

To: Members of the Cabinet

Date: 19 September 2018

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Dear Councillor

You are invited to attend a meeting of the **CABINET** to be held at **10.00 am** on **TUESDAY, 25 SEPTEMBER 2018** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal, HR and Democratic Services

AGENDA

PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972.

4 MINUTES (Pages 7 - 14)

To receive the minutes of the Cabinet meeting held on 26 June 2018 (copy enclosed).

5 RHYL BUSINESS IMPROVEMENT DISTRICT (Pages 15 - 58)

To consider a report (**which includes a confidential appendix**) by Councillor Hugh Evans, Leader and Lead Member for the Economy and Corporate Governance (copy enclosed) updating Cabinet on the development of the Rhyl Business Improvement District and seeking support for its establishment.

6 CONTRACT VARIATION FOR DCC HOUSEHOLD RECYCLING CENTRES (Pages 59 - 64)

To consider a report by Councillor Brian Jones, Lead Member for Highways, Planning and Sustainable Travel (copy enclosed) regarding future operating arrangements for the Council's three Household Recycling Centres.

7 EMPLOYMENT POLICIES (Pages 65 - 212)

To consider a report by Councillor Mark Young, Lead Member for Corporate Standards (copy enclosed) presenting a number of employment policies for adoption.

8 ANNUAL TREASURY MANAGEMENT REPORT 2017/18 (Pages 213 - 238)

To consider a report by Councillor Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets (copy enclosed) updating Cabinet on the performance of the treasury management function and to demonstrate compliance with treasury limits and Prudential Indicators during 2017/18.

9 FINANCE REPORT (Pages 239 - 254)

To consider a report by Councillor Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets (copy enclosed) detailing the latest financial position and progress against the agreed budget strategy.

10 CABINET FORWARD WORK PROGRAMME (Pages 255 - 258)

To receive the enclosed Cabinet Forward Work Programme and note the contents.

PART 2 - CONFIDENTIAL ITEMS

EXCLUSION OF PRESS AND PUBLIC

It is recommended in accordance with Section 100A (4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item of business because it is likely that exempt information as defined in paragraphs 12, 13 and 14 of Part 4 of Schedule 12A of the Act would be disclosed.

11 OPTIONS FOR DELIVERING THE ENFORCEMENT OF ENVIRONMENTAL CRIME (Pages 259 - 270)

To consider a confidential report by Councillor Tony Thomas, Lead Member for Housing, Regulation and Environment (copy enclosed) detailing options for delivering environmental enforcement in the county.

12 GYPSY AND TRAVELLER SITE PROVISION (Pages 271 - 306)

To consider a confidential report by Councillor Tony Thomas, Lead Member for Housing, Regulation and Environment (copy enclosed) regarding proposals for the location of residential and transit Gypsy and Traveller sites together with associated planning, funding and communication matters.

13 BODELWYDDAN CASTLE, BODELWYDDAN (Pages 307 - 326)

To consider a confidential report by Councillor Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets (copy enclosed) seeking Cabinet approval of the terms of sale of the freehold interest in the Bodelwyddan Castle Hotel and part of the estate as detailed within the report.

14 LAND AT TIRIONFA, MELIDEN ROAD, RHUDDLAN (Pages 327 - 342)

To consider a confidential report by Councillor Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets (copy enclosed) seeking approval to amend the terms of the previous Cabinet approval relating to the sale of the site.

MEMBERSHIP

Councillors

Hugh Evans
Bobby Feeley
Huw Hilditch-Roberts
Richard Mainon

Tony Thomas
Julian Thompson-Hill
Brian Jones
Mark Young

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All Councillors for information
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Town and Community Councils

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LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of
*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-
*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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CABINET

Minutes of a meeting of the Cabinet held in the Council Chamber, County Hall, Ruthin on Tuesday, 26 June 2018 at 10.00 am.

PRESENT

Councillors Hugh Evans, Leader and Lead Member for the Economy and Corporate Governance; Bobby Feeley, Lead Member for Well-being and Independence; Huw Hilditch-Roberts, Lead Member for Education, Children and Young People; Brian Jones, Lead Member for Highways, Planning and Sustainable Travel; Richard Mainon, Lead Member for Developing Community Infrastructure; Tony Thomas, Lead Member for Housing, Regulation and the Environment; Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets, and Mark Young, Lead Member for Corporate Standards

Observers: Councillors Meirick Davies, Mabon Ap Gwynfor, Rhys Thomas and Emrys Wynne

ALSO PRESENT

Chief Executive (JG); Corporate Directors: Economy and Public Realm (GB) and Communities (NS); Heads of Service: Legal, HR and Democratic Services (GW), Business Improvement and Modernisation (AS) and Finance/S.151 Officer (RW); Strategic Planning Team Manager (NK); Passenger Transport Section Manager (PD); Lead Officer – Corporate Property & Housing Stock (DL); Insurance and Risk Manager (CJ) and Committee Administrator (KEJ)

1 APOLOGIES

There were no apologies.

2 DECLARATION OF INTERESTS

The following members declared a personal interest in agenda item 9 – Finance Report (2017/18 Financial Outturn) –

Councillor Meirick Davies – Governor Ysgol Cefn Meiriadog and Ysgol Trefnant
Councillor Emrys Wynne – Governor Ysgol Borthyn

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 22 May 2018 were submitted.

The Leader drew attention to questions raised with regard to the Welsh in Education Strategic Plan which reflected a high level of scrutiny which would be better placed in a scrutiny committee. Given that Cabinet was a decision making forum he asked that members focus on the report recommendations with any item requiring more in-depth examination being directed through the scrutiny process.

RESOLVED that the minutes of the meeting held on 22 May 2018 be approved as a correct record and signed by the Leader.

5 GROWTH VISION AND STRATEGY FOR THE ECONOMY OF NORTH WALES: GOVERNANCE AGREEMENT

Councillor Hugh Evans introduced the report regarding the Governance Agreement required to formalise the constitutional arrangements of, and confer decision making powers to, the North Wales Economic Ambition Board within prescribed limits.

Some background information was provided regarding previous collaborative approvals to adopt the Growth Vision and develop a Growth Deal Bid. The next step required approval of the first stage Governance Agreement from all six North Wales local authorities – Cabinet approval was sought in so far as it related to executive arrangements subject to Full Council's approval of non-executive arrangements. The first Governance Agreement covered the preparatory and development stage up to mid-July 2019 after which a second stage more in-depth Governance Agreement would need to be approved to cover the implementation phase and project delivery.

Cabinet welcomed the progress in developing the Growth Bid and reiterated the need for robust governance arrangements, particularly when progressing to the second stage of prioritising projects in the region and financial contributions. In response to questions the Leader and Head of Legal, HR & Democratic Services –

- detailed membership of the Board which included representatives from each of the six local authorities, two universities, two further education colleges and the North Wales Mersey Dee Business Council and confirmed provisions in place for nominated substitute and replacement representatives to ensure continuity
- confirmed the joint committee model as the most appropriate means of governance currently available but there had been calls on the Welsh Government to create a more appropriate model given that only local authorities had voting rights with no such provision for partners
- elaborated upon the governance map which included a stakeholder forum with representatives from relevant sectors and monitoring of the Board and advised that the second stage would involve the creation of various sub groups
- clarified provisions in Schedule 1 (Delegations Policy), point 21 which related to incidental matters with any major matters being reserved as set out in the table
- advised that each local authority was represented on the Board by their Leader and decisions would be made in accordance with agreed governance arrangements with clear accountability

- explained that funding of £50k had been committed to progress initial work but far greater investment would need to be considered as matters progressed and the costs of potential projects and financial contributions became clearer
- clarified scrutiny arrangements which would be local scrutiny in the first stage Governance Agreement with potential for regional scrutiny in the second stage
- explained the context of the Local Development Plan in terms of potential future projects with Bodelwyddan identified as a priority for the area – there was no impact on current arrangements as a result of the Governance Agreement.

RESOLVED that –

- (a) *progress on the development of a Growth Deal Bid is noted and welcomed;*
- (b) *the first stage Governance Agreement is approved subject to Council's approval of the non-executive arrangements i.e. the arrangements for Scrutiny;*
- (c) *the Council be presented with the final draft Growth Deal Bid for review and consent in September/October prior to the stage of reaching Heads of Terms with both Governments;*
- (d) *delegated authority be given to the Chief Executive, Corporate Director: Economy and Public Realm and Head of Legal, HR and Democratic Services, in consultation with the Leader to finalise the terms of the Governance Agreement substantially in accordance with the draft attached to this report, and*
- (e) *that Cabinet approve the executive arrangements contained within the Governance Agreement and recommend that Council approve their inclusion in the Constitution along with the non-executive arrangements relating to Scrutiny.*

6 CORPORATE PLAN PERFORMANCE REPORT QUARTER 4 - 2017-18

Councillor Julian Thompson-Hill presented the report updating members on the delivery of the Corporate Plan 2017 – 22 as at the end of quarter 4 of 2017/18.

The report included two main elements –

- Executive Summary – detailed achievements/key exceptions with two pieces of commentary for each priority: Performance Status and Programme Progress
- Full quarterly report – generated from the Verto Performance Management System and provided an evidence based assessment of the current position.

An explanation behind both the Performance Status and Programme Progress for each priority had been included within the report with key issues highlighted and elaborated upon further at the meeting. Two areas assessed as Red: Priority for Improvement (1) Resilient Communities and (2) Young People were not directly under the Council's control with greater involvement of external partners. Low performance levels were expected at this early stage but over time the expectation

was for both performance and programme levels to correlate with at least a 'good' status outcome. Reference was also made to the governance arrangements and role of the Programme Boards in assessing project briefs and business cases.

During consideration of the report members discussed the following –

- the reporting mechanisms for monitoring performance and progress in delivering the Corporate Plan was clarified which involved reports to Cabinet, Scrutiny Committees, Corporate Governance Committee and Senior Leadership Team
- Councillor Bobby Feeley provided further information on matters relating to her portfolio including extra care housing developments which would help to reduce residential care home stays; a project to further support carers; positive feedback for Single Point of Access and Locality Teams in supporting people's independence, and a range of other ongoing work to effect improvements
- Councillor Brian Jones advised that the Highways Strategy had been subject to a positive scrutiny process and an illustration of street works was being presented to the Member Area Groups; he also reported upon progress with the surface dressing programme
- the Plan was deliberately ambitious and challenging and had been aligned to the Public Service Board objectives in terms of prioritising Resilience and Connected Communities; the Chief Executive added that the Plan had been given top priority and provided assurances regarding its future delivery
- Councillor Mabon ap Gwynfor questioned the acceptable performance status for Connected Communities given the unacceptable condition of the B4401 road and lack of action in addressing those concerns. The methodology for assessing and benchmarking performance against other authorities in Wales was explained – however it was acknowledged that there were stretches of road which fell below those standards. Councillor Brian Jones agreed to take up the issue with regard to the B4401 and encouraged complainants to log incidents on the CRM system
- officers confirmed that the overall figure for new council housing included buying back of former council houses and agreed to clarify the issue in future reports
- Councillor Rhys Thomas asked Cabinet to bear in mind that even though the report was measured against overall national targets, there were areas of underperformance in individual communities which should not be overlooked.

RESOLVED that Cabinet receives the report and notes the progress in delivering the Corporate Plan as at the end of quarter 4 of 2017/18.

7 ESTABLISHMENT OF A DYNAMIC PURCHASING SYSTEM FOR PASSENGER TRANSPORT SERVICES

Councillor Brian Jones presented the report seeking approval to commence a procurement to establish a transport dynamic purchasing system (DPS) to operate learner transport and local bus services across Denbighshire.

The DPS would replace the traditional tender process with a more streamline procurement system, support the council's business needs and help deliver value for money. There was no extra cost as a result of the DPS and the new system would enable the council to tender for actual services as the budget allowed.

The Passenger Transport Manager referred to negotiations with adult social care services and sought Cabinet approval to add this service to the DPS framework providing all the necessary documentation was in place by the July 2018 deadline. Councillor Bobby Feeley commended the new process and supported the amendment to include adult social care services which was endorsed by Cabinet.

RESOLVED that Cabinet –

- (a) *approve the commencement of the procurement to establish a DPS for learner transport and local bus services;*
- (b) *authorise the Head of Highways and Environment Services to appoint suppliers to the DPS during its lifetime, provided a supplier meets the qualifying criteria for appointment to the DPS; and to remove suppliers who no longer wish to be registered on the DPS or who fail to be eligible to be part of the DPS;*
- (c) *authorise the Head of Highways and Environmental Services to administer mini-competitions under the DPS during its lifetime and to award contracts as required, and*
- (d) *to confirm that arrangements can be extended to adult social care transport.*

8 THE ESTABLISHMENT OF A VOID HOUSING MAINTENANCE AND REFURBISHMENT FRAMEWORK

Councillor Julian Thompson-Hill presented the report seeking approval to commence a procurement and enter into a contract to appoint a number of contractors to a framework to undertake refurbishment work to empty domestic properties owned by the council (known as voids).

The provision of a framework would reduce costs and time spent on void housing works and was considered the most advantageous solution. The report included full details of the proposed framework and specifications including a 60% price and 40% quality focus with an expected value of £11m over four years. The possibility of collaborative procurement had been considered but discounted in this case due to the differences in requirements.

In response to questions the Lead Officer – Corporate Property & Housing Stock –

- elaborated upon the in-house resources available to undertake work on void housing which tended to focus on reactive work and was currently under review
- explained the reasoning behind the 60% price and 40% quality split and acknowledged that prices did tend to be similar but quality would be monitored through the framework – the new process would reduce the time spent on the tendering process and allow more time to focus on quality and reviewing cost
- reiterated the need for contractors to have a local base and employ Denbighshire residents through a set of community benefit schemes with a view

to maximising local economic growth and a good response was expected from local contractors

- confirmed an average of 250 void properties per year and clarified that the voids were temporary pending works to bring them up to standards for new tenants
- acknowledged the benefits of the new quality standards for housing prior to letting but the turnaround time had increased as a result; there was an expectation that the turnaround time would be further reduced under the new framework

RESOLVED that Cabinet approve the commencement of the procurement to set up a framework and appoint contractors to the various lots.

At this point (11.30 a.m.) the meeting adjourned for a refreshment break.

9 FINANCE REPORT (2017/18 FINANCIAL OUTTURN)

Councillor Julian Thompson-Hill presented the report on the final revenue outturn position for 2017/18 and proposed treatment of reserves and balances.

Members were guided through the detail of the report and appendices. In brief the final outturn position on service and corporate budgets (including schools) was an underspend of £1.244m (0.7% of the net revenue budget). The main areas to note had been highlighted and included an improved financial position for schools (net deficit position of £0.343m, down from £1.056m last year), together with pressures on Community Support Services, Education and Children's Service and Highways and Environment Services, and those issues were elaborated upon further at the meeting. Reference was made to the transfers to and from earmarked reserves and a number of year-end transactions had also been recommended for approval. The position on the yield from Council Tax was also highlighted. Given the overall position within services and the availability of corporate funds, it was proposed that services carry forward the net underspends listed as committed service balances to help deliver the 2018/19 budget strategy and meet existing commitments.

Debate focused on the following areas –

- Education and Children's Services – there was some discussion and clarification around the pressures facing this service and the volatility in terms of out of county placement costs which had a significant impact on the budget and was largely beyond the Council's control. It was noted that it was a national issue across Wales and the UK and some exploratory work was being undertaken regionally to consider options to develop more local provision although the needs of some children were incredibly complex. The merger of Education and Children's Services had provided opportunities to establish early intervention and prevention measures when working with children and young people to try and prevent the escalation of needs and provide some level of resilience thereby placing less reliance on statutory provision
- Schools – the pressures facing schools was acknowledged but assurances were provided regarding the robust financial planning processes in place to support schools which had been borne out by the improved financial position for schools with a reduced net deficit position of over £300k compared to the previous year. Given that some schools also had large balances the Schools Budget Forum

had been asked to review the policy with regard to school balances. The important role of the Governing Bodies in managing schools was also highlighted, particularly given the future financial challenges facing schools

- the Head of Finance agreed to provide Councillor Mark Young with details of the annual income from the mobile phone mast on the Skytower in Rhyl. Such income was included in the budget for the service in possession of the asset.

Cabinet noted the overall outturn position was good given the current circumstances and the Leader commended the way services had been maintained under pressure and to a high standard and thanked officers in that regard.

RESOLVED that Cabinet –

- (a) notes the final revenue outturn position for 2017/18;
- (b) approves the proposed treatment of reserves and balances as described in the report and detailed in Appendices 1, 2 and 3, and
- (c) notes the details of transfers to and from Earmarked Reserves as set out in Appendix 4.

10 FINANCE REPORT

Councillor Julian Thompson-Hill presented the report detailing the latest financial position and progress against the agreed budget strategy. He provided a summary of the Council's financial position as follows –

- the net revenue budget for 2018/19 was £194.418m (£189.252m in 2017/18)
- an overspend of £1.210m was forecast for service and corporate budgets
- detailed agreed savings and efficiencies worth £4.6m including those which had already been achieved with the assumption that all service efficiencies/savings would be delivered – any exceptions would be reported to Cabinet if required
- highlighted current risks and variances relating to individual service areas, and
- provided a general update on the Housing Revenue Account, Housing Capital Plan and the Capital Plan (including the Corporate Plan element).

The Leader questioned the continuing pressure highlighted in Highways and Environment relating to the income shortfall as a result of the amount of work and reimbursement coming from the North and Mid Wales Trunk Road Agency. Councillor Brian Jones confirmed that the previous level of income was no longer achievable and the issue was being reviewed by the service. The Head of Finance added that the pressure would be considered as part of the 2019/20 budget process. In response to a question from Councillor Bobby Feeley, Councillor Huw Hilditch-Roberts provided assurances that funding to address the need for more equitable outside space for Rhos Street School at Glasdir could be contained within the contingency snagging budget at no additional cost.

RESOLVED that Cabinet notes the budgets set for 2018/19 and progress against the agreed budget strategy.

11 CABINET FORWARD WORK PROGRAMME

The Cabinet Forward Work Programme was presented for consideration and it was noted that an options appraisal for the future provision of environmental crime enforcement in the county would be added to the work programme for September.

RESOLVED that Cabinet's Forward Work Programme be noted.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Act.

12 INSURANCE SERVICES CONTRACT AWARD

Councillor Julian Thompson-Hill presented the confidential report seeking approval to award the Council's insurance contract to the named providers as detailed within the report.

The Council's existing insurance contracted expired on 30 July 2018 and a new contract was required from this date. Details of the insurance programme had been included within the report together with an evaluation of the tenders submitted and recommendations based on the most economic option. It was noted that insurance was not an area suitable for collaborative procurement due to individual requirements. Officers elaborated upon the tender and evaluation process in response to questions and Cabinet was pleased to note that a cost saving could be made given the current market conditions at no loss of cover or increase in excess.

RESOLVED that Cabinet –

- (a) awards the contract to the two named insurance providers for Lots 1 – 6 as detailed within the report on a three year contract with an option for the Council to extend for a further two years and another option for the Council to extend for a further two years beyond that, depending on market conditions (as per the Contract Award Recommendation report attached at Appendix One to the report), and
- (b) authorises the Head of Legal, HR and Democratic Services to agree and enter into an appropriate form of contract with each insurer in order to appoint the insurer as the Council's insurance provider.

The meeting concluded at 12.30 p.m.

Report To: Cabinet

Date of Meeting: 25th September 2018

Lead Member / Officer: Hugh Evans / Emlyn Jones

Report Authors: Mike Horrocks & Nicola Caie

Title: Rhyl Business Improvement District (BID)

1. What is the report about?

The report is about the Rhyl Business Improvement District, the development of which has been facilitated by the Council as part of its work on supporting a more resilient business community in the town.

2. What is the reason for making this report?

- To update Cabinet on the development of Rhyl Business Improvement District (BID).
- To confirm that the proposed BID does not conflict with any existing policies relating to the BID area.
- To agree a position on the vote with regard to Denbighshire County Council's properties in the town centre.

3. What are the Recommendations?

- a) That Cabinet confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 1) as part of its consideration.
- b) Cabinet note the contents of the BID Business Plan (Appendix 2) and the Officer recommendation that there are no grounds on which to Veto under the BID Wales (2005) Legislation (Appendix 3) as it does not conflict with any existing local policy nor propose a disproportionate burden on particular businesses in the area.
- c) That Cabinet agree to support the establishment of the BID by voting 'Yes' in the BID ballot in respect of each of the Council's eligible rateable properties in the BID area.
- d) If in agreement with (c) above, Cabinet agree to delegate authority to the Corporate Director: Economy and Public Realm to cast the votes in respect of each of the Council's eligible rateable properties in the BID area.

4. Report details

- 4.1 BIDs are a well-established model and over 200 have been established across the UK with the majority in town centres. A Business Improvement District gives local business the power to get together, decide what improvements they want to make within a geographically defined area and to raise funds to deliver these. BIDs are typically run as not for profit companies and are controlled by the businesses that fund them.
- 4.2 There is no limit on what projects or services can be provided through a BID. The only constraint is that it should be something that is in addition to services provided by local authorities. As part of the BID process the Council are required to complete baseline service statements which set out current levels of service provision within the BID area for both statutory and non-statutory provision (example at Appendix 4).
- 4.3 The BID development process involves in depth consultation with businesses from which a BID Proposal is produced and a 28 day postal ballot held where businesses vote 'for' or 'against' the proposal. The BID Proposal is the key document on which businesses vote at the ballot. It sets out how the BID will function (proposed income, expenditure, BID area and performance measures) and how the BID Levy will be spent in the town.

- 4.4 For the BID to be established, two conditions must be met; firstly, a majority of those voting have to vote ‘yes’ and secondly those who vote ‘yes’ have to represent more than 50% of the total rateable value of all votes cast. If both majorities are met then the BID can be established and all businesses within the defined boundary are liable to pay the levy irrespective of whether they voted “yes” or “no” at ballot. If established, a BID runs for a maximum of five years, beyond that if the BID wishes to continue then a new proposal must be developed and another ballot held.
- 4.5 The local authority has a statutory role in the development and operation of BIDs which includes conducting the ballot and collecting and enforcing the levy. The authority must also confirm that the proposed BID does not conflict with area plans and schemes. If the local authority is of the opinion that the Business Improvement District arrangements are likely to conflict to a significant extent with an existing policy, or the burden on rate payers from the levy is unjust, it can decide to veto the proposals¹.
- 4.6 In May 2016 the Councils Economic & Business Development (EBD) Team invited businesses and town councils from across the county to [visit an existing BID](#) in order to learn about the opportunities presented. Three towns initially came forward with Rhyl and Prestatyn deciding to explore the potential benefits further whilst businesses in Denbigh felt it would not work for them. Mosaic Partnership were appointed in March 2017 following a competitive procurement process to work with business in Rhyl and Prestatyn to undertake a study into the feasibility of establishing a BID and subsequently to develop a proposal to take to ballot. Following promotion of a Welsh Government scheme to encourage development of BIDs the councils EBD Team have recently supported the business community in Llangollen to make a successful funding application to Welsh Government.
- 4.7 Following a recommendation at feasibility stage that a BID would be viable in Rhyl, Mosaic have drawn together a Task Group with membership drawn from the local business community. Emlyn Jones, HoS PPP is the DCC representative. The Task Group, supported by Mosaic, have been undertaking consultation with businesses, market research and project planning to develop the BID Business Plan, this has involved face to face discussions, an online survey and consultation events / workshops in the Town Centre.
- 4.8 A summary business plan has been developed (Appendix 5) which includes a proposed BID boundary and details of the proposed projects. Engagement with businesses on the content of the BID Business Plan is continuing, but on the basis of the responses so far it is proposed that the BID will deliver the following in Rhyl:

Project Area	Proposed Activity
Cleansing & Maintenance	To audit, monitor and scrutinize existing cleansing programs and strategically add value and enhance these where appropriate.
Business Support	Initiatives related to attracting new public and business investment, addressing the vacancy issue and reducing business costs
Safe & Welcoming	To work with existing agencies to assess the hotspots for safety and security issues, as well as anti-social behaviour and proactively plan to work together using the latest technology to minimize issues.
Marketing & Promotion	To work with all stakeholders to present a positive brand for Rhyl to change the negative image the town seems to have acquired.
Strategic Influence & Advocacy	Effectively lobbying local, devolved and central government on policy and funding such as business rates, transport and planning & development as well as having real influence on what Rhyl will look like in the future

- 4.9 In Rhyl, it is proposed that all eligible businesses will pay a levy of circa 2% of the rateable value of the premises. Smaller businesses with a rateable value of less than £5,000, non-retail charities with no trading income, non-profits with an entirely subscription and volunteer-based set up and businesses that fall in to the industrial, manufacturing, storage, and workshop sectors will be exempt from paying the levy. Businesses that are exempt can opt to make a voluntary contribution which

¹ <https://www.legislation.gov.uk/wsi/2005/1312/regulation/12/made>

entitles them to all the projects and services outlined in the Business Plan. Based on the proposed 2% levy the estimated revenue for the Rhyl BID is £252,000 annually.

- 4.10 It is proposed that the BID ballot date (the final day of the ballot) will be 22nd November 2018. In advance of the ballot a final Business Plan will be sent to all eligible voters within the BID area as well as the Local Authority.
- 4.11 Having reviewed the BID Proposals, it is the officer recommendation that there are no grounds on which to veto the BID Proposal in accordance with the BID (Wales) 2005 Legislation.
- 4.12 It is the intention that, subject to a 'yes' vote at ballot; the BID will commence in April 2019 and that its first term will run for 5 years. An incorporated Company Limited by Guarantee will be established to deliver the Business Plan/Proposals. It will be responsible for the delivery of the BID services and it will employ staff as appropriate to implement the BID Board's programme on a day to day basis.

5. How does the decision contribute to the Corporate Priorities?

- 5.1 Under Theme 5 of the Council's 2013-2023 ECA Strategy (Vibrant Towns & Communities) the BID development work being carried out by the Economic & Business Development Team seeks to support improved business pride and leadership in our towns. It is part of a long term business community engagement strategy aimed at increasing local ownership and understanding of challenges / problems and – crucially – securing the resources required to tackle them.
- 5.2 The BID work supports the Council's Corporate Plan aim to “work with people and communities to build independence and resilience”, bringing together stakeholders and developing a partnership to support improvements in the town centre that will benefit those who live, work in and visit the area.
- 5.3 The proposed BID provides a financially sustainable model to support the on-going improvement of Rhyl Town Centre. It offers significant opportunity for collaborative improvement work with particular focus on those issues set out in the Business Plan, many of which are aligned with DCC priorities.
- 5.4 The BID is highly complementary to the current Rhyl Master Planning work being led by the council.

6. What will it cost and how will it affect other services?

- 6.1 Costs of developing the BID are being met from the Economic & Business Development Team budget within the Planning & Public Protection Service.
- 6.2 Legal, HR and Democratic Services
 - 6.2.1 The establishment of a Business Improvement District is to be conducted in accordance with the Business Improvement Districts (Wales) Regulations 2005². The local authority will be required to manage the formal ballot process, the ballot will be a postal ballot of all businesses in the BID area liable to pay the BID Levy. It will be conducted by Electoral Reform Services Ltd on behalf of the Returning Officer. The costs of this (£1,810) will be met by the BID Company if successful or from the EBD Team budget if the BID does not go forward.
 - 6.2.2 Under BID legislation the Council is required to collect the levy (Civica will undertake this in Denbighshire) on behalf of the BID Company. The costs of this are provided for by the BID. An Operating Agreement will be entered into between the BID and the local authority governing how the BID levy monies are collected, administered and passed over to the BID Company.
- 6.3 The Council as a levy payer
 - 6.3.1 Subject to a majority “yes” vote at ballot and the establishment of a BID in Rhyl, the Council will be liable for the payment of the BID Levy contribution on each of its properties. Based on a 2% levy, the maximum possible levy cost to DCC would be £28,900 per annum though we expect this to be lower.

² <https://www.legislation.gov.uk/wsi/2005/1312/contents/made>

6.3.2 DCCs contribution would help to create a total fund of approximately £252,000 per annum to be spent in the BID area on projects prioritised by the Business Community. Each £1 contributed by DCC would sit alongside £7.72 private sector investment. This equates to an annual return on investment of 779%. Funds raised by the BID can be used to lever additional grant aid from a wide range of sources.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1 The proposal contributes positively to the wellbeing of future generations, working with partner organisations and the business community to maximise positive effects and minimising negative effects where possible.

8. What consultations have been carried out with Scrutiny and others?

8.1 The following has been undertaken:

- A full BID Feasibility Study carried out in 2017 which supported the development of a BID in Rhyl, consultations during the feasibility stage included:
 - A Survey of businesses (80 responded)
 - 30 Face to Face meetings with Key Stakeholders & Businesses
 - Survey of all National Businesses/Head Offices
 - 2 Business Workshops
- The creation of a 10 strong BID Task Group which oversees BID development and is composed of businesses from all Town Centre business sectors as well as public agencies – this meets monthly.
- BID Fact Sheet and newsletter distributed to all potential levy payers (548 businesses) and the development of a Rhyl BID website³
- Personal visits and contact with business ongoing
- Presentation to SLT in July 2017
- Briefing with Lead Member, Cllr Hugh Evans in October 2017
- Presentations to Rhyl MAG and Rhyl Reference Group
- Presentations and Workshops at Rhyl Business Group Breakfast meetings – March 2018, July 2018 and October 2018.
- Meeting with Democratic Services Manager in July 2018
- Baseline statements have been completed for all required services within the Rhyl BID area in conjunction with Heads of Service.

9. Chief Finance Officer Statement

The costs of developing the BID is funded. If it is successful there will be an additional cost to the council which will have to be included as a budget pressure.

10. What risks are there and is there anything we can do to reduce them?

10.1 Businesses could vote against the BID proposals when they go to ballot, if there were to be a majority "no" vote then the BID would not be established resulting in the loss of revenue of approximately £252K per annum to the area. To minimise this risk the Task Group are developing a robust and well consulted on Business Plan which demonstrates value for money to all potential levy payers.

11. Power to make the Decision

11.1 Section 2, Local Government Act 2000. The power to undertake activity for the promotion of the social, economic or environmental well-being of the area.

³ www.rhylbid.co.uk

Development of Business Improvement District(s) in Rhyl & Prestatyn

Wellbeing Impact Assessment Report

This report summarises the likely impact of a proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	150
Brief description:	Exploring the feasibility of creating Business Improvement Districts within Rhyl and Prestatyn. Subject to a positive outcome from the feasibility stage we would then look to begin the development work and move towards the ballot and set up of the BID(s).
Date Completed:	Version: 0
Completed By:	
Responsible Service:	Planning & Public Protection
Localities affected by the proposal:	Prestatyn, Rhyl,

IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

Score for the sustainability of the approach

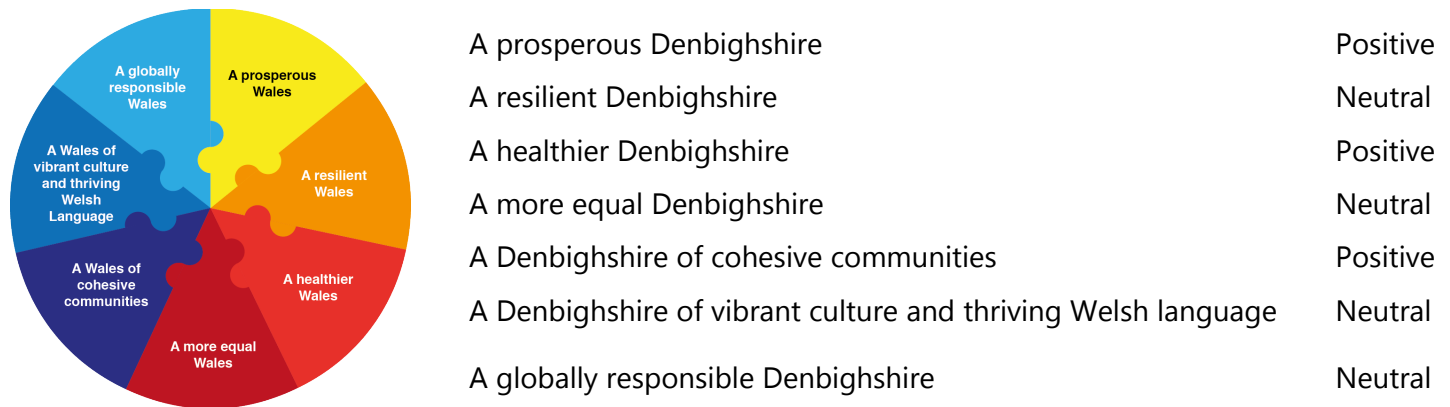
Could some small changes in your thinking produce a better result?
(3 out of 4 stars)



Actual score: 17/ 24.

Summary of impact

Wellbeing Goals



Main conclusions

The proposal contributes positively to the wellbeing of future generations, working with partner organisations and the business community to maximise positive effects and minimising negative effects where possible.

THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

A prosperous Denbighshire

Overall Impact:	Positive
Justification for Impact:	The main purpose of the proposal is to engage and empower the business community to improve the trading condition within their town centre. This will improve business representation and give them a voice in issues affecting the economy of the area.

Positive consequences identified:

Development of the BID is as much about, informing and educating businesses as it is on developing a coherent and robust business plan.

Throughout the feasibility stage, the business communities will have the opportunity to work together to identify common issues and opportunities through public meetings, workshops, a Steering Group and interviews.

If the BID progresses, the business plan will be developed with the business community to reflect their desires, which will then be delivered using the BID levy.

The purpose of the BID would be to improve the trading conditions within the Towns improving the prospects for new and existing jobs.

Unintended negative consequences identified:

Mitigating actions:

A resilient Denbighshire

Overall Impact:	Neutral
Justification for Impact:	The development of the BID will have limited impact, however the actions delivered by the BID may, this is unknown at this early stage.

Positive consequences identified:

BIDs work to minimise resource use and local inefficiencies

Unintended negative consequences identified:

Mitigating actions:

A healthier Denbighshire

Overall Impact:	Positive
Justification for Impact:	Residents will be positively impacted on by having a healthy local business community

Positive consequences identified:

There will be a knock on impact of a healthy business community for residents including jobs, access to services and improved neighbourhoods from initiatives delivered through BIDs plus having a generally more positive business community investing in the town.

Unintended negative consequences identified:

Mitigating actions:

A more equal Denbighshire

Overall Impact:	Neutral
Justification for Impact:	The development of the BID will not have an impact, however the actions delivered by the BID may, this is unknown at this early stage.

Positive consequences identified:

Unintended negative consequences identified:

Mitigating actions:

A Denbighshire of cohesive communities

Overall Impact:	Positive
Justification for Impact:	The BID model is dependant upon the business community voting to make it happen and being actively involved in the development, this will offer opportunities for them to have their say in its development.

Positive consequences identified:

The development of the BID is an opportunity for the business community to take control of the issues affecting their town and develop a Business Plan to address these.

The BID model promotes resilience amongst the business community – giving them tools and resources to effect positive change and respond to their changing circumstances.

Unintended negative consequences identified:

Mitigating actions:

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact:	Neutral
Justification for Impact:	

Positive consequences identified:

Materials produced as part of the development process will be bilingual.

The proposal aims to support local independent businesses to flourish, enabling the county to maintain a key part of its unique identity.

Unintended negative consequences identified:

Mitigating actions:

A globally responsible Denbighshire

Overall Impact:	Neutral
Justification for Impact:	Negatives are balanced against positives

Positive consequences identified:

There will be opportunities for local suppliers throughout the development process (e.g. design and print) as well as opportunities in delivering projects identified by the BID.

Unintended negative consequences identified:

Due to the specialist nature of the work, the consultant contracted to work on the development may be from outside the local area.

Mitigating actions:

Promote local procurement

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By virtue of paragraph(s) 13, 14 of Part 4 of Schedule 12A
of the Local Government Act 1972.

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WELSH STATUTORY INSTRUMENTS

2005 No. 1312

The Business Improvement Districts (Wales) Regulations 2005

Veto of BID proposals

12.—(1) For the purposes of section 51(2) of the Act, the prescribed circumstances are that the relevant billing authority is of the opinion that the BID arrangements are likely —

- (a) to conflict to a material extent with any policy formally adopted by and contained in a document published by the authority (whether or not the authority is under a statutory duty to prepare such document); or
- (b) to be a significantly disproportionate financial burden on any person or class of persons (as compared to the other non-domestic ratepayers in the geographical area of the BID) and —
 - (i) that burden is caused by the manipulation of the geographical area of the BID or by the structure of the BID levy; and
 - (ii) that burden is inequitable.

(2) For the purposes of section 51(2) of the Act, the prescribed period is 15 working days from the day of the ballot.

(3) For the purposes of section 51(3) of the Act, the prescribed matters to which the relevant billing authority must have regard in deciding whether to exercise its veto are —

- (a) the level of support (as evidenced by the result of the BID ballot or re-ballot of a BID ballot, as the case may be) for the BID proposals;
- (b) the nature and extent of the conflict referred to in paragraph (1)(a);
- (c) in relation to paragraph (1)(b), the structure of the proposed BID levy and how the financial burden of the BID is to be distributed amongst ratepayers in the geographical area of the BID;
- (d) the extent to which the BID proposer discussed the BID proposals with the authority before submitting the BID proposals to the authority under regulation 4; and
- (e) the cost incurred by any person up to the end of the period prescribed in paragraph (2) in developing the BID proposals and canvassing in relation to the BID proposals.

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Baseline Service Statement

Baseline Activity: Public Conveniences
Head of Service: Jamie Groves
Date: 27/7/2018

<p>Number of Staff & Equipment</p>	<p>14 full time staff and 2 seasonal staff supported by Contracts & Facilities (C&F) management team within the Facilities, Assets and Housing (FAH) Service. Three vans in use. Stores are located at Unit 5 Morfa Clwyd, Rhyl.</p>
<p>Specification</p>	<p><u>Daily Inspection and Cleansing</u></p> <ul style="list-style-type: none"> • Daily Inspection and Cleaning • Each toilet block is inspected and cleaned two or three times per day, depending upon location and season • All cleaning materials used are environmentally friendly. • Toilets are well maintained inside and out. • Blockages and maintenance issues are attended to within same working day • Sanitary waste bins are provided and are emptied daily <p><u>Accessible Toilets & Baby Change Facilities</u></p> <p>Accessible toilets require a RADAR key to enter. RADAR is a national scheme.</p> <p>Locations of public conveniences with disabled and/or baby change facilities are listed on the Denbighshire County Council website.</p> <p><u>Opening Hours</u></p> <p>Listed on Denbighshire County Council website.</p>
<p>Performance Measure</p>	<ul style="list-style-type: none"> • Income targets and income generation • Daily Inspection and Cleaning managed operationally day to day • Maintenance issues are attended to within same working day • Level of complaints and compliments received

Non - Compliance Procedure	<ul style="list-style-type: none"> • Performance issues raised through FAH Lead Officer Group (LOG) meetings and formal one to one between Lead Officer for C&F and FAH Head of Service Management • Also raised through Cleaning Management Team meetings and formal one to one meetings between C&F Lead Officer and Cleaning and Public Convenience Managers.
Existing Value of Contract	DCC budget allocation for Public Conveniences £253,716
Boundary Area	Entire County Council area
Suggested Additional BIDs Activity	
Estimated Cost of Additional BIDs Activity	

Report To: Cabinet

Date of Meeting: 25th September 2018

Lead Member / Officer: Councillor Brian Jones, Lead Member for Highways, Planning & Sustainable Travel / Tony Ward, Head of Highways & Environment

Report Author: Tara Dumas, Waste and Recycling Manager / Helen Makin, Legal and Procurement Operations Manager

Title: Contract Variation for DCC Household Recycling Centres

1. What is the report about?

- 1.1 The Council must consider the future operating arrangements for its three Household Recycling Centres (HRCs) in Ruthin, Denbigh and Rhyl in order to optimise value for money for this popular household service. This report requests the contract be further extended to explore collaboration opportunities with other North Wales Local Authorities.

2. What is the reason for making this report?

- 2.1 On 1st April, 2009, the Council entered into a seven year contract for the receiving, keeping, treating and disposal of household waste that is taken to Denbighshire HRCs by members of the public. There are currently three sites, one located in Rhyl, one on the Colomendy Industrial Estate in Denbigh and one on the Lon Parcwr Estate, Ruthin. Due to the strong performance of the contractor, the option to extend the contract for three years was evoked. The contract is due to expire 31st March 2019 and the Council must determine the future operating model for the three sites.

A decision is now required on whether to grant a further extension to the current contractor, CAD Recycling, to enable Denbighshire County Council to participate in an exercise with the WRAP Cymru Collaborative Change Programme (see Appendix 1) and other North Wales Authorities. The project is due to commence later this month and will identify whether there are opportunities to realise savings from HRC operations across the region through joint procurement and/or rationalisation of services.

- The cost of the contract extension for 2 years is: £ 3,293,995
- The cost of the contract extension for 3 years is: £4,940,993

3. What are the Recommendations?

- 3.1 That Cabinet agree to extend the existing contract by 2 years (to March 31st 2021) allowing a contingency of a third year (until March 31st 2022).
- 3.2 That Cabinet authorises the Head of Legal and Democratic Services to issue a Contract Variation letter to CAD Recycling to extend the existing contract by 2 years

(to March 31st 2021) allowing a contingency of a third year (to March 31st 2022). This enables us the flexibility to procure services at any time, should the Collaboration Project conclude earlier than anticipated. It also provides enough time to mobilise a new arrangement.

- 3.3 That the Head of Highways and Environmental Services reports on the progress and/or outcomes of the Collaborative Change Project to Scrutiny Committee no later than December 2019, along with recommendations as to the preferred option for future commissioning of HRC services.

4. Report details

- 4.1 The WRAP Cymru Collaborative Change Programme will work with local authorities in North Wales over the next 12 months to determine whether savings may be possible by rationalising services across geographical boundaries and through joint procurement with other local authorities. . The first phase of this work will be undertaken from September 2018 and includes:

- Outline of project scope and methodology
- Potential options and parameter setting
- Baseline development – data gathering

- 4.2 It is anticipated that Officers will be able to report on the outcome of the collaboration project no later than December 2019. The report will identify the benefits (if any) of undertaking a joint procurement of the regional HRCs, and provide options / recommendations as to how the services will be specified and procured. If additional benefits are identified from rationalising current service provision, the report will also include a business case for this, detailing how implementation may be funded (e.g. provision of new strategically placed infrastructure serving more than one authority) and how costs are apportioned between authorities. The report will also examine the option of continuing with stand-alone DCC HRCs and the commissioning options around this.

5. How does the decision contribute to the Corporate Priorities?

- 5.1 Environment: Attractive and Protected, supporting well-being and economic prosperity:

CAD Recycling have become a significant new entry to the Waste Industry Markets and are locally based, with head offices in Denbigh. The contract with the Council has enabled them to grow as a business, offering employment locally, and contributing to the local economy. As part of their community benefits commitments, they continue to provide apprenticeships and employment opportunities locally. Should the contract extension be approved, the Collaboration Project will identify the most efficient way to procure services in the longer term and in the mean-time offers the Council value for money.

- 5.2 Connected Communities: Communities are connected and have good access to services locally, online and through good transport links: The current three sites offer local waste and recycling opportunities to residents and an efficient and accessible service.

6. What will it cost and how will it affect other services?

A further extension of up to three years will cost an additional £4.94M, bringing the total contract value between 2009 and 2019 to £16.5M. Contracted HRCs will have a total contract value of £21.4M by March 31st 2022.

The Council has existing provisions to cover annual contract value. CAD Recycling have agreed to no indexation throughout the extension period. There will be no impact on any other services. Work needed to undertake the HRCs collaboration project will be contained within existing resources.

7. What are the main conclusions of the Well-being Impact Assessment?

A Well-being Impact Assessment is not required as there is no change to current service provision proposed.

8. What consultations have been carried out with Scrutiny and others?

The need to examine regional collaboration opportunities for operation of HRCs has been identified through the Technical Officers Group and Joint Committee of the North Wales Residual Waste Treatment Partnership. Any significant change in future service provision would be subject to public consultation and consultation with other relevant stakeholders.

9. Chief Finance Officer Statement

9.1 From a financial perspective the medium term extension of the contract recommended in this report will mean that costs are contained within existing resources over the 2 year period, while also allowing the Council the time to participate in the regional project which it is hoped will identify saving opportunities going forward. It can also be confirmed that the proposed action complies with Financial and Contract Procedure Rules.

10. What risks are there and is there anything we can do to reduce them?

10.1 There are no foreseen operational or reputational risks as the services will not change as a result of the contract extension.

10.2 The following key risks have been identified and will be managed by the Collaborative Procurement Unit and Legal Services:

- Legal challenge in relation to the procurement process – the contract is being extended rather than commencing a procurement process. Legal observation is that the extension is the best solution during this period of possible change through regional collaboration for a project that was not foreseen by the Council. It is also more likely than not that it is not value for money to undertake a procurement now and enter into a short term contract, managed by the input of specialist legal advice in terms of the extension process and drawing up the required documentation;
- Legal challenge in relation to the variation of the contract. Advice is that values relating to the total value of the contract and the total value of a 3 year extension are compatible with EU Regulations. There is no substantial variation as we have

not increased the price and the change in the specification (relating to black bin bags) has not resulted in a price change.

- There is a financial risk in that under the existing contract terms, disposal costs of household general waste (black bag waste) taken to the HRCs are included in the fixed fee element of the HRC contract. In 2019, the region's Energy from Waste (EfW) facility, Parc Adfer will be available to treat Denbighshire household residual waste. We require specific waste streams from our HRCs to make up our Guaranteed Minimum Tonnage, for which we pay a set fee to the EfW operators. Therefore, failure to deliver this waste to Parc Adfer could result in us paying twice for the treatment of waste. A condition to the contract extension is that all residual waste arising from the HRCs meeting the criteria for EfW treatment at Parc Adfer is delivered by CAD Recycling to a nominated transfer station. The Council will charge CAD for the reception of this waste, at a rate comparable to current market rates. It is important to note that CAD Recycling have agreed to this condition, to be specified in the Contract Variation letter.

11. Power to make the Decision

- 11.1 Cabinet is required to agree the extension of this contract by rule 6.8.1 iv of the Council's Contract Procedure Rules.
- 11.2 The Council also has power to enter into contracts pursuant to section 111 Local Government Act 1972 (power to undertake any act to facilitate, or which is conducive or incidental to, the discharge of any of their functions); section 135 Local Government Act 1972 (power to make standing orders to govern entering into contracts), section 112 Local Government Act 1972 (appoint such officers as they think necessary for the proper discharge by the authority of the authority's functions); section 3(1) Local Government Act 1999 (general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised) and section 1(2) Local Government Contracts Act 1997 (empowers local authorities to enter into a wide range of contracts providing assets or services in connection with the discharge of their functions).

Appendix 1: Collaborative Change Programme (CCP)

The Welsh Government has offered all local authorities the opportunity to participate in a Collaborative Change Programme (CCP) to help ensure that Wales meets the recycling targets set out in Towards Zero Waste and also included in the Municipal Sector Plan.

The Programme is open to individual authorities and it should also be considered as a key tool for enabling partnership working and collaboration on the delivery of services.

The programme is not only about how authorities will achieve targets, it also aims to support the active sharing of good ideas and practices that can improve efficiency in terms of cost reduction and improvement in performance. This includes services that are more environmentally sustainable, with lower ecological and carbon footprint impacts. It also includes services that are more financially sustainable, with lower net costs of service delivery.

Delivery of the CCP is through a dedicated team from WRAP Cymru. The WRAP team has a range of knowledge, skills and experience to deliver modelling, options appraisals, business plan preparations, procurements and operational delivery, with support from consultants where appropriate.

The WRAP Cymru staff are experienced in financial and environmental modelling and in every aspect of waste and recycling collections, from kerbside collections, operating Materials Facilities through to household waste and recycling centres (HWRCs) and depots.

The CCP provides capital grants in support of service changes by local authorities and these are administered by the CCP Grants Assessment and Award Panel which includes Welsh Government officials and representatives of WLGA and WRAP.

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Report To: Cabinet
Date of Meeting: 25th September 2018
Lead Member / Officer: Councillor Mark Young
Report Author: Catrin Roberts / Andrea Malam
Title: **Employment Policies**

1. What is the report about?

There are six employment policies which have been recommend to Cabinet for adoption by the LJCC committee. The policies are listed below:

- Time off Work Policy (Amalgamated all policies which involve time off)
- Parental Policy (Amalgamated maternity, paternity, adoption, parental and shared parental leave)
- Corporate Appeals Policy (revised policy)
- LGPS Discretions and Banding Policy (revised policy)
- Standby, On call, Sleep in Policy (revised)
- Taking Personal Data off DCC Premises Policy (New)

2. What is the reason for making this report?

To gain approval from Cabinet for adoption of the above listed policies.

3. What are the Recommendations?

The recommendations are that Cabinet approves the above listed policies for adoption within the Council.

- 3.1 That the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessments as part of its consideration.

4. Report details

Time off Work Policy

This policy is an amalgamation of all of the policies related to any form of time off work. The policy has also been reformatted into the smart document format, with roles and responsibilities, timescales and a flow chart for ease of use now included.

The text in red are the proposed changes by HR in order to clarify the process or bring in line with legislative changes. The highlighted text in green are the amendments made after Corporate Joint Meetings (CJM) with Trade Union Representatives and email communication with CJM.

Compassionate leave (section 5) and Carers' leave (section 3) is currently being reviewed as part of the 'managing Carers' needs Policy, therefore the original policy wording has been inserted. Once the Carers' Needs Policy has been consulted on and agreed in the near future the wording within this policy will be amended to match.

Parental Policy

This policy is an amalgamation of all of the policies related to maternity, paternity, adoption, parental and the introduction of shared parental leave. The policy has also been reformatted into the smart document format, with roles and responsibilities, timescales and a flow chart for ease of use now included.

The text in red are the proposed changes by HR in order to clarify the process or bring in line with legislative changes. The highlighted text in green are the amendments made after Corporate Joint Meetings (CJM) with Trade Union Representatives and email communication with CJM.

Corporate Appeals Policy

The policy has been revised to include all reasons for an appeal. The policy now includes the process of appealing under the Disciplinary Policy and the Attendance at Work Policy. Specific wording with regards to recording meetings has also been agreed with the unions and inserted into the policy.

The policy clarifies when an employee can appeal and includes roles, responsibilities and timescales of an appeal and any appeal meetings.

LGPS Discretions and Banding Policy

Clarification was required within the policy with regards to releasing a pension early on compassionate grounds and only being applicable if there was no cost to the council. The policy has now been amended to reflect the above.

In addition since the submission to LJCC, the LGPS (Amendment) Regulations 2018 have been released in May 2018, which have resulted in some additional changes to the policy. These amendments are highlighted within the policy.

Standby, On call, Sleep in Policy

Amendments have been made to page 14 in line with the agreed SB7 winter maintenance negotiations that have been agreed with the trade unions. SB7 have now been implemented as of 1st November 2017.

Taking Personal Data off DCC Premises Policy

Denbighshire County Council (DCC) officers may need to take personal data out of the office. The purpose of this policy is to set out the steps to be followed by officers when taking personal data offsite, for example, to conduct home visits, attend meetings, panels or court, or to work from home. Following this policy will help to reduce the risk of a security breach involving personal data and any subsequent fine.

5. How does the decision contribute to the Corporate Priorities?

All of the above policies will assist the Corporate Priorities and ensure that managers and employees are aware of their obligations in line with legislation and good practice.

Resilient Communities - Safeguarding personal data will be paramount when supporting communities and vulnerable people.

Connected Communities – The attached policies will be placed in the Denbighshire website enabling employees and communities to access from their own PC's laptops, ipads/tablets, smart phones or from within a public library.

Young People – Access to policies via the Denbighshire website may attract younger employees to work for the council, Time off Work and Parental policies encourage work life balance and being able to have career breaks to travel , have families and still work etc. This promotes Denbighshire as a family friendly employer.

6. What will it cost and how will it affect other services?

Section notes: The following areas should be thought about as a minimum when drafting the report:

Additional resources are not required, therefore there won't be any costs attached to implementing these policies. There will be no particular impact on a particular department. The procedures and policies will apply to all employees (where stated).

7. What are the main conclusions of the Well-being Impact Assessment?

Please find the Wellbeing Impact Assessments attached. All policies contained within this report are applicable to all employees regardless of protected characteristics and will be applied in line with legislation and terms and conditions of employment.

The Parental Policy and the Time off Work Policy have been wellbeing impact assessed as part of a group/family of policies. Both policies have a positive impact on those staff with caring responsibilities. Other outcomes are identified as being positive and neutral overall.

The Corporate Appeals Policy enables a fair and consistent method for appealing against a process. The wellbeing impact assessment clarified that there are no negative impacts associated with the policy.

LGPS Discretionary Payments Policy and the Standby, on call, sleep in have been wellbeing impact assessed as part of a group/family of policies. Overall both policies have both positive and neutral impacts.

The Taking personal data from DCC premises policy overall has a neutral impact on wellbeing. The impact assessment has highlighted that overall there will be a lower risk of personal/sensitive information being lost or going missing.

8. What consultations have been carried out with Scrutiny and others?

The Time off Work, Corporate Appeals Policy and the Parental Policy have all been to Corporate Joint Meeting in January 2017 and it was agreed that copies would be emailed to all Trade Union Representatives who are part of CJM for final comments. Policies were emailed out to CJM in readiness for CJM on 7th June and no comments were received via email. The policies were emailed out in November 2017 and again in April 2018 with feedback from the trade unions being incorporated into the policies and a log of changes kept on record.

The LGPS Discretionary Payments Policy, Standby, On call and Sleep in Policy and Taking data from DCC premises Policy have been emailed out to CJM for comments in April 2018. There have been no comments made by the trade unions with regards to the three policies.

All of the policies contained within this report have been submitted to LJCC on 18th June 2018 and the agreement was to proceed to Cabinet. Although the LJCC meeting was inquorate due to one Trade Union Representative not being in attendance, we received written consent from that same Trade Union Representative for all policies to proceed to Cabinet.

9. Chief Finance Officer Statement

Not applicable.

10. What risks are there and is there anything we can do to reduce them?

The risks are only associated with not implementing the attached policies. The current versions of the policies are out of date in terms of legislation and clarification is required in order to ensure the processes are being applied correctly and consistently by managers and HR.

11. Power to make the Decision

Power to make the decision is s112 Local Government Act 1972.

TIME OFF WORK POLICY

Contents Page

1. Annual leave, bank holidays and Purchasing additional leave
2. Career break
3. Carers leave
4. Christmas Eve leave
5. Compassionate / bereavement leave
6. Disability leave
7. Emergency leave
8. Interviews
9. Learning and development
10. Medical related leave
11. Military reservists, retained fire-fighters, special constables
12. Public duties
13. Staff council
14. Unpaid leave, flexi leave and toil
15. Volunteering

TIMESCALES

Type of leave	Leave allocated (<i>pro rata for part-time employees</i>)	Paid/unpaid
Annual leave, Bank holidays and Purchasing additional leave	For entitlements, please use the annual leave calculator. For purchasing additional leave - up to 40 days available for purchase.	Paid
Career break	Up to 12 months	Unpaid
Carers leave	Up to 5 days (reasonable unpaid time for 'time off for dependants')	Paid
Christmas Eve leave	Up to half a day (unless Christmas Eve falls on a weekend)	Paid
Compassionate/Bereavement leave	1 day for the death of a family member if not involved in arranging the funeral, up to 3 days where the employees is involved in arranging the funeral (pro rata)	Paid
Disability leave	At the discretion of the manager	Paid
Emergency leave	Up to 2 days, see details on responsibility	Paid/Unpaid
Flexi leave	Maximum of 2 days every 6 weeks with sufficient hours	Paid
Interviews	Reasonable allowance depending on vacancy	Paid
Learning and development	See Learning and Development Policy	As left
Medical leave	Paid time off depends on the type of appointment	Paid/Unpaid
Military reservists, retained fire fighters & special constables	Up to a maximum of 2 weeks per year for training	Paid
Public duties	Up to 18 whole days or 36 half days per year based on circumstances	Paid
Staff Council	Reasonable time off	Paid
Unpaid leave	Reasonable	Unpaid
TOIL	Maximum of 2 days every 6 weeks with sufficient hours	Paid
Volunteering	Up to 5 days per year	Paid

ROLES AND RESPONSIBILITIES

HEAD OF SERVICE / DIRECTOR

- Consistently apply decision making regarding approval of leave throughout Service, bearing in mind the different circumstances
- Develop a culture where employees are supported in trying to achieve a work life balance
- Apply discretion in cases where exceptional circumstances may warrant this
- Support managers in carrying out their responsibilities for the maintenance of high performance standards from all employees
- Support managers/supervisors in managing absence levels and attendance in line with business needs

COUNCILLORS

- To encourage a culture of work life balance and engagement with this policy.
- To ensure the council's policies are in line with best practice and legislation.

LINE MANAGERS / SUPERVISORS

- Ensure staff are aware of their rights under this policy and support individuals to achieve a work-life balance
- Consistently apply the policy amongst all staff
- Assist in developing a supportive culture
- Be empathetic with employee needs at difficult times and apply discretion in line with business needs at times that warrant this
- To ensure they adhere to any timescales set out for various types of leave.

HUMAN REOSURCES

- Consistently advise managers and employees on the process and policy
- Ensure the policy and procedure are current and fair, and in line with any legislative changes
- Provide advice and guidance regarding support measures and accessing them

EMPLOYEES

- Adhere to any timescales set out in this policy or supporting guidance
- To be mindful of business needs and customer service requirements when requesting leave
- Actively and positively participate in measures implemented in order to support them
- Advise the supervisor/manager if there is particular support that will benefit them, and assist in accessing this
- To engage with managers in relation to their requirements for leave

*Please note that any lists included within this policy are not exhaustive.

1. Annual leave, bank holidays & purchasing additional leave

Annual Leave

All workers accrue annual leave based on their hours of work. The below tables outline the basic entitlement all workers have. For information on how to manage leave, calculating annual leave and all other queries/processes relating to annual leave and/or bank holidays, please refer to the **Annual Leave Guidance for Managers and Employees** on the intranet.

All employees working a pattern other than 7 hours 24 minutes per day, Monday to Friday, will receive their entitlement in hours and minutes. All leave is pro rata for part time workers, and/or part years. The annual leave year is the workers birth month for 12 months.

The above does not take into consideration those members of staff who work in a residential establishment or who work condensed and does not give the calculations this will cause ambiguity

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NJC and Soulbury staff:

Length of Continuous Service	Days	Hours and minutes
Up to 5 years continuous service (basic leave)	21	155 hours 24 minutes
Extra Statutory Holidays	+3	+22 hours 12 minutes
Extra after 5 years continuous service	+4	+29 hours 36 minutes
Extra after 10 years continuous service	+1	+7 hours 24 minutes
Extra after 15 years continuous service	+1	+7 hours 24 minutes
Extra after 20 years continuous service	+1	+7 hours 24 minutes
Total maximum entitlement	31	229 hours 24 minutes

Youth Workers:

Length of Continuous Service	Days	Hours and minutes
Up to 5 years continuous service (basic leave)	30	222 hours
Extra Statutory Holidays	+3	+22 hours 12 minutes
Extra after 5 years continuous service	+5	+37 hours
Total maximum entitlement	38	281 hours 12 minutes

Heads of Service and above:

Length of Continuous Service	Days	Hours and minutes
Basic leave for all service lengths	30	222 hours
Extra Statutory Holidays	+2	+14 hours 48 minutes
Total maximum entitlement	32	236 hours 48 minutes

Bank Holidays

Full time and part time staff are entitled to statutory bank holidays. Part time staff are entitled to bank holidays pro rata to their hours worked and will receive at least the minimum entitlement or the number they work – whichever is greater. Please use the annual leave calculator attached to the **Annual Leave Guidance for Managers and Employees** to calculate a workers bank holiday allowance, should they be part time or have a working pattern that requires some bank holiday working. **Clarity is sought with regards to workers who may work condensed hours and work every bank holiday?**

Extra Statutory Leave

Full time and part time staff are entitled to 3 extra statutory days (22 hours 12 minutes pro rata to average contracted hours) in addition to the normal leave entitlement. In appropriate circumstances the council will determine, in consultation with the recognised trade unions, when extra statutory days are to be taken.

Purchasing Additional Leave

Employee may purchase an additional 40 working days (equivalent to a maximum of 8 weeks of average contracted hours) within one leave year. Payment will be taken out your salary by payroll. For more information or to request to purchase additional leave, please see the **Annual Leave Guidance for Managers and Employees**.

Annual Leave and Relief/Supply/Casual Workers

The Working Time Regulations 1998 states that “a worker is entitled in each leave year to a period of leave” which means that all employees and relief/supply workers of the council are entitled to receive annual leave proportionate to their hours worked. For more information on how this is calculated, please see the **Annual Guidance for Managers and Employees**.

2. Career break

A career break is when an employee decides to take an extended unpaid period of absence from work, up to a maximum of 12 months, in order to pursue other interests. Typically, career breaks are used for:

- caring for a child
- caring for a dependant
- training / study leave
- working abroad

Applications for other circumstances may be considered on an individual basis.

~~A career break may:~~

- ~~• enable employees to balance the competing demands of work and life away from work~~
- ~~• assist with recruitment and retention of trained and experienced employees~~
- ~~• enable employee development, increase motivation and enthusiasm~~

A minimum of 12 months continuous service is required and both full and part time employees may request a career break. Those who are **not** eligible for a career break are:

- Directors and Heads of Service
- employees working their probationary period
- agency workers
- employees on a fixed term or temporary contract
- casual, relief and volunteer workers
- apprentices and other traineeships

A career break is unpaid and is to be taken as a single period. Eligible employees will be allowed no more than 2 career breaks within a rolling 5 year employment timeframe.

Any requests for a career break for the purpose of working for another UK based company will be denied, as employees must not take paid employment within in the UK during their career break.

There is no automatic right to have a request for a career break to be granted, and managers will consider each request on a case by case basis. For full details on the application process please refer to the Career Break Guidance.

3. Carers leave

Paid Carers Leave

The definition of a carer is Carers are employees with significant caring responsibilities that have a substantial impact on their working lives. These employees are responsible for the care and support of disabled, elderly or sick partners, relatives or friends who are unable to care for themselves. Please note that this does not include day to day illnesses of dependants.

Their responsibilities may be:

- New Care
- Short Term Care
- Long Term Care
- Immediate/emergency care

Where a dependant is seriously ill, the authority can grant up to 5 days paid carers leave per annum. This should only be granted following consultation with the employee to understand fully what their requirements are, and following discussion with the appropriate Head of Service.

Managers should not automatically grant up to the 5 days leave. Careful consideration must be given to the circumstances and future prognosis for the dependant. It may be more appropriate to allow unpaid leave or annual/flexi/toil which would leave the 5 days paid carers leave to a later date when the employee's needs may be greater. Alternatively, the manager could agree a combination of annual/flexi/toil and unpaid/paid leave for example, the employee takes 2 days leave and the authority gives 2 days carers leave. Other special leave arrangements available or managing carers leave include carers' being able to purchase an additional 5 days leave in addition to the standard [Purchasing Additional Leave](#) arrangements, [Compassionate Leave](#) and also [Emergency Leave](#). Also for further information please see the Managing Carers' Leave Policy. (Hyperlink)

4. Christmas leave

Christmas Eve

The Council recommends that an additional half day be granted on 24 December (Christmas Eve) when the 24 December is a working day. In most cases full time employees will be granted a half day's leave for the afternoon of Christmas Eve with an equivalent compensatory half day being granted to employees in services where closure is not an option.

Part time or job sharing employees will receive time for the afternoon of Christmas Eve on a pro rata basis to their contractual working hours.

Designated public holidays

Over the Christmas period there are 3 designated public holidays:-

25th December – Christmas Day

26th December – Boxing Day

1st January – New Year's Day

Where these public holidays fall on a Monday to Friday, employees required to work on these days will be paid as per the usual bank holiday rates. As such, in addition to the payment, time off with pay shall be allowed at a later date.

Where these dates fall on a Saturday and/or Sunday, the government will designate alternative days in substitution for the public holidays which have fallen on the weekend. In such cases, employees required to work will be recompensed as per usual bank holiday rates, bearing in mind that they are only entitled to 3 days at the public/bank holiday rate. **Any days above this will be paid at the normal rate of pay for that day.**

Where these dates fall on a Saturday and/or Sunday, and the employee is required to work on these days, the employee will receive bank holiday rates, bearing in mind that they are only entitled to 3 days at the public/bank holiday rate. Any days above this will be paid at the normal rate of pay for that day.

Fundamentally, public holidays will be paid as per the usual public holiday rates of pay, including time off with pay at a later date for the hours worked. Public holiday rate of pay will also be paid in those instances where an employee is required to work Christmas Day, Boxing Day and/or New Year's Day, where these days fall on a Saturday and/or Sunday, and they are not working on the alternate designated public holiday.

Please see the below examples for clarity. The Government will usually confirm the public holiday and pay arrangements agreed for local councils each year. Where this is the case, the national agreement will be followed.

Example 1 - Where Christmas falls on a Saturday

Christmas working arrangements

- 25th December (Christmas Day) – Saturday
- 26th December (Boxing Day) – Sunday
- 27th December – Monday designated substitute public holiday for Christmas Day
- 28th December – Tuesday designated substitute public holiday for Boxing Day

No. of days employee due to Work	Saturday (25 th Dec)	Sunday (26 th Dec)	Monday (27 th Dec)	Tuesday (28 th Dec)
All 4 days	Normal Hourly Rate	Normal Hourly Rate	Public Holiday Rate	Public Holiday Rate
3 days – 25 / 26 / 27	Normal Hourly Rate	Public Holiday Rate	Public Holiday Rate	
3 days – 25 / 27 / 28	Normal Hourly Rate		Public Holiday Rate	Public Holiday Rate
3 days – 26 / 27 / 28		Normal Hourly Rate	Public Holiday Rate	Public Holiday Rate
2 days – 25 / 26	Public Holiday Rate	Public Holiday Rate		
2 days – 25 / 27	Public Holiday Rate		Public Holiday Rate	
2 days – 26 / 27		Public Holiday Rate	Public Holiday Rate	
2 days – 26 / 28		Public Holiday Rate		Public Holiday Rate
2 days – 27 / 28			Public Holiday Rate	Public Holiday Rate
1 day – (any of the 4 days)	Public Holiday Rate	Public Holiday Rate	Public Holiday Rate	Public Holiday Rate

New Year working arrangements

- 1st January (New Year's Day) – Saturday
- 2nd January (Normal working day) – Sunday
- 3rd January – Monday designated substitute public holiday for New Year's Day

No. of days employee due to Work	Saturday (1 st Jan)	Sunday (2 nd Jan)	Monday (3 rd Jan)
3 days	Public Holiday Rate	Normal Hourly Rate	Public Holiday Rate
2 days – 1 / 2	Public Holiday Rate	Normal Hourly Rate	
2 days – 1 / 3	Normal Hourly Rate		Public Holiday Rate
2 days – 2 / 3		Normal Hourly Rate	Public Holiday Rate

1 day – (any of the 4 days)	Public Holiday Rate	Normal Hourly Rate	Public Holiday Rate
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Example 2 – Where Christmas falls on a Sunday

Christmas Working Arrangements

25th December (Christmas Day) – Sunday

26th December (Boxing Day) – Monday

27th December – Tuesday designated substitute public holiday for Christmas Day

No. of days employee due to Work	Sunday (25 th Dec)	Monday (26 th Dec)	Tuesday (27 th Dec)
All 3 days	Normal Hourly Rate	Public Holiday Rate	Public Holiday Rate
2 days – 25/26	Public Holiday Rate	Public Holiday Rate	
2 days – 25/27	Normal Hourly Rate		Public Holiday Rate
2 days – 26/27		Public Holiday Rate	Public Holiday Rate
1 day – (any of the 3 days)	Public Holiday Rate	Public Holiday Rate	Public Holiday Rate

New Year Working Arrangements

1st January (New Year's Day) – Sunday

2nd January – Monday designated substitute public holiday for New Year's Day

No. of Days Working	Sunday (1 st Jan)	Monday (2 nd Jan)
2 days	Normal Hourly Rate	Public Holiday Rate
1 day – (any of the 2 days)	Public Holiday Rate	Public Holiday Rate

5. Compassionate/Bereavement leave

Compassionate leave

Under review.

Bereavement leave

Paid leave of absence will be granted to employees who have suffered the bereavement of a family member. This is to be pro rata for employees.

A family member is defined as husband, wife, partner, parent, parent in law (to include partner's parents **where not married**), guardian, son or daughter, grandchild, grandparent (**to include great-grandparents**), brother and sister (**to include in law, and partners sibling where not married**), aunt or uncle. **This also includes these relationships where they are of a 'step' basis, i.e. stepfather, stepmother, stepsibling.**

A maximum of 3 days (pro rata) will be granted where the death is of a family member and the employee is personally involved in making the funeral arrangements. This includes time off to attend the funeral.

For employees who are not involved in the funeral arrangements, 1 day will normally be granted to attend the funeral with additional travelling time, if appropriate.

Any leave beyond 3 days must be agreed by the manager. This should normally be taken as annual leave and a compassionate approach towards granting leave should be adopted. If annual leave has already been exhausted, it may be necessary to allow leave to be taken from next year's entitlement. **Alternatively, flexi leave or TOIL may be granted where possible.** Unpaid leave may also be granted.

The Occupational Health service is available for advice and guidance on coping with bereavement.

6. Disability leave

Disability leave will only be considered where an individual's condition is likely to come under the Equality Act 2010. Occupational Health can advise if this is the case if unsure. A disability is defined as 'a physical or mental impairment that has a **substantial** and **long-term adverse** effect on a person's ability to carry out normal day-to-day activities'. Long term is defined as 12 months or more, and substantial is defined as more than minor e.g. person cannot dress themselves without assistance. Those diagnosed with HIV infection, cancer or multiple sclerosis will be considered as disabled from the day of their diagnosis.

High levels of sickness absence can in some cases be an indicator of an as yet unknown or undisclosed disability. Good practices on managing sickness absence and ensuring reasonable adjustments are made as quickly as possible will help to **both** improve attendance levels **and to support employees who may have a disability in the workplace**.

Disability leave is used for the purposes of rehabilitation, treatment and assessment, and is for a fixed period or periods of time that the employer and the employee know about in advance. In other words, **it is pre-planned and** there is a fixed end date for the leave. **It is not intended for when the employee is not well enough to come in to work**. Disability leave is also suitable for absences of a short period of time that are needed on a regular basis.

Examples of when disability leave may be appropriate are (this is not exhaustive and will be considered on a case by case basis):

- Treatment related to an employee's disability
- Physiotherapy specifically for a disability
- Dialysis treatment
- Having equipment fitted
- Blood tests for diabetes
- Chemotherapy treatments (including where the employee is signed off for short periods to avoid infection)
- Where, based on medical advice, it is not appropriate to remain at work/redeployed, while reasonable adjustments are made

Disability leave should be agreed on a discretionary basis by the Head of Service. During periods of disability leave an individual will in effect remain on full pay and will not be classed as being 'off sick'. Individual circumstances will determine how much paid time off is classed as reasonable. **Employees should look to also use annual leave, flexi leave, TOIL, where possible**.

It should be noted that every effort will be made to accommodate individuals who have a disability. However all employees need to maintain an acceptable level of attendance at work, in order for the Council to provide services to the public.

Please contact Occupational Health if you require any additional advice or guidance.

7. Emergency leave

Level 1 - employee's responsibility

~~When the emergency is of a personal or domestic nature, the employee will be granted reasonable time off without pay to deal with it. Such examples would include a break in at home, illness of a family member or disruption to current childcare arrangements. Reasonable time off is usually classed as a maximum of 2 days.~~

An emergency of a personal or domestic nature such as a break in at home, illness of a family member or disruption to current childcare arrangements.

Mobile/Flexible Workers

Employees with the facility to work flexible will be granted reasonable time to work at home to deal with a level 1 emergency.

Static/Desk Bound Employees

Employees who are unable to work flexibly will be granted reasonable time off without pay.

Reasonable time is usually classed as a maximum of 2 days.

Level 2 - neither the employer nor the employee's responsibility

The 1st day of absence

~~When the emergency is neither the responsibility of the council or the employee, the employee will be granted a half day off (or equivalent for part time staff) with pay and the remaining half day to be taken as unpaid, flexi or annual leave (this applies when a full day or shift is lost). Such examples may include extreme weather conditions (snow, flooding etc.), fuel crises or foot and mouth disease. Where the emergency occurs part way through a working day, the employee will be granted half of the remaining working time for the day, for example.~~

A **full time** employee has worked 3 hours:

7.24 (standard day) - 3.00 hours = 4.24 hours remaining. ½ of 4.24 is 2 hours 12 minutes.

The employee will be granted 2 hours 12 minutes paid leave and the remaining 2 hours 12 minutes will have to be taken as flexi, unpaid leave or be made up at a later date.

The 2nd and subsequent days of absence

The second and subsequent days of absence will have to be taken as annual, flexi or unpaid leave. Employees who have sufficient flexi credit may take flexi leave to make up the remaining working time regardless of whether they have already taken flexi leave during the 6 week period.

Level 3 - employer's responsibility

Where the emergency is solely the responsibility of the council for example, office heating system breaks down, the employee will be granted the time off with pay. Where the emergency occurs part way through the working day, the employee's time will be made up to a normal working day.

This would apply in cases where the emergency is neither the responsibility of the council or the employee and may include extreme weather conditions (snow, flooding etc.), fuel crises or foot and mouth disease.

Employees are expected to make every reasonable effort to reach their usual place of work and continue to work as normal provided they can do so safely without putting themselves and others at risk. Where the employees is unable to attend work or has left work early the following will apply:

Mobile/Flexible Employees

Employees with the facility to work flexibly will be expected to work at a different location or at home and will not be reimbursed for any lost time.

Static/Desk Bound Employees

Employees who are unable to work flexibly will be granted the following:

The 1st day of absence

Where an employee is unable to attend work, they will be granted a half day off (or equivalent for part time staff) with pay and the remaining half day to be taken as unpaid, flexi or annual leave (this applies when a full day or shift is lost).

Where the emergency occurs part way through a working day, the employee will be granted half of the remaining working time for the day, for example.

A full time employee has worked 3 hours:

7.24 (standard day) - 3.00 hours = 4.24 hours remaining. $\frac{1}{2}$ of 4.24 is 2 hours 12 minutes.

The employee will be granted 2 hours 12 minutes paid leave and the remaining 2 hours 12 minutes will have to be taken as flexi, unpaid leave or be made up at a later date.

Employees, who have presented themselves at their normal place of work and that location remains open, but they are unable to carry out their duties due to health & safety reasons, will have their time made up to a normal working day.

The 2nd and subsequent days of absence

The second and subsequent days of absence will have to be taken as annual, flexi or unpaid leave. Employees who have sufficient flexi credit may take flexi leave to make up the remaining working time regardless of whether they have already taken flexi leave during the 6 week period.

Level 3 - employer's responsibility

This will apply where the emergency is solely the responsibility of the council for example, office heating system breaks down.

Mobile/Flexible Employees

Employees with the facility to work flexible will be expected to either work at a different location or at home and will not be reimbursed for any lost time.

Static/Desk Bound Employees

The employee will be granted the time off with pay. Where the emergency occurs part way through the working day, the employee's time will be made up to a normal working day.

N.B. Where the facilities required to work flexibly are not available e.g. cag access, mobile/flexible employees will be granted time off as per a static/desk bound employee. This does not includes situations where the employee has left their equipment at work.

8. Interviews

Internal vacancies (including other local authority vacancies)

Where practical, reasonable time will be granted to employees who attend interviews/assessments within Denbighshire County Council during working hours. Reasonable time off with pay will also be granted for interviews or assessments for vacancies (to include secondments) within organisations covered by the Redundancy Modification Order.

Vacancies with DCC Partnerships

Where a working partnership has been created between the council and an external organisation, reasonable time off with pay will be granted for interviews/assessments during normal working hours.

External secondments

~~Where practical, reasonable time will be granted to employees who attend interviews/assessments during working hours.~~

External vacancies

Employees wishing to attend interviews for vacancies external to the council, or outside of the above parameters, should use their own time to do so (e.g. annual leave or flexi leave).

Employees affected by redundancy

Employees who have been served notice are officially “at risk” of redundancy will be granted reasonable time off work with pay to seek alternative employment and/or retraining opportunities. Please refer to the Redundancy policy for further details.

9. Learning & development

Employees undergoing training, studying or work related development may be eligible for an amount of paid time off to support their studies. This includes attendance on courses, additional study leave, examinations, or completing e-learning modules. To determine if an employee is eligible, and if so, the amount of time granted, please refer to the Learning and Development Policy.

10a. Medical – Elective

IVF treatment

One cycle of IVF treatment needs around eight to ten attendances at a clinic which normally last about an hour at a time. IVF treatment **can be requested** by either a male or female person and on occasions it **may** ~~would~~ be necessary for both parties to attend a clinic for treatment at the same time. This policy applies equally to an employee whose partner is undergoing fertility treatment so that he/she is available to support them through the treatment.

~~At present there is no law governing the right to time off work specifically for fertility treatment. However, as a fair and reasonable employer, Denbighshire County Council will grant a set amount of paid time off within a twelve month period to undergo fertility treatment.~~ **Denbighshire council allows employees a set period of time off within a twelve month period in order to undergo fertility treatment.** This time off will be equivalent to 3 days (22.12 hours) pro rata. However, if excessive travel is required in order to undergo IVF treatment, consideration should be given to extending the time off to be equivalent to 5 days (37 hours) pro rata. Should any additional time off be required for IVF treatment within the same twelve month period, holiday entitlement or flexi leave can be considered as an option available to the employee.

The employee should notify their line manager as early as possible if they wish to take time off for fertility treatment and give as much notice as possible of the specific dates on which time off will be required. Managers should be aware that on occasion's employees undergoing IVF treatment are required to attend for appointment at short notice.

The employee will be asked to produce an appointment card or letter from a medical practitioner for each occasion on which time off is requested to undergo fertility treatment. ~~For full time employees, annual leave is normally taken in half or full days, with similar arrangements are in place for flexi leave and TOIL.~~ Where employees may need short periods of time off to undergo fertility treatment, leave can be taken in hours.

Elective medical procedures and cosmetic enhancements

The decision to undertake elective medical procedure and/or cosmetic enhancements (including laser eye treatment) is a lifestyle choice and time needed for appointments and procedures must be the employee's own. This will include time off for recovery.

Annual leave, flexi leave or unpaid sick leave is to be used for these purposes. If unpaid sick leave is used for the purpose of undergoing an elective medical procedure and/or cosmetic enhancement, then the employee must produce a medical certificate and if eligible, maybe entitled to statutory sick pay. The only exception to this would be where medical advice (and evidence is provided from a medical practitioner accordingly) recommends that such treatment is essential for the health and wellbeing of the individual.

If an elective medical procedure or cosmetic enhancement procedure is required due to a potential health or psychological issue and is supported with written confirmation from a medical practitioner, reasonable time off with as paid sick leave would be granted under the Attendance at Work policy.

Gender reassignment

~~Special rules under the Sex Discrimination Act 1975 govern those undergoing gender reassignment. Employees undergoing this procedure should not be treated less favourably than they would be treated if absent due to sickness or injury. Employees undergoing gender reassignment would be granted time off as sick leave under the Attendance at Work policy and paid according to their Terms and Conditions of Employment.~~

Complications associated with treatment

With each form of elective medical procedure as outlined above, there may be side effects or unforeseen medical complications as a result of treatment or procedures. In all cases, where an employee is too unwell to attend work due to a complication or side effect of treatment or a procedure, employees and managers must follow the usual sickness absence process, outlined in the Attendance at Work Procedure.

IVF

~~Time off work due to the side effects of IVF treatment will be paid in line with the occupational sick pay scheme. The employee should report their absence in accordance with the Attendance at Work procedure.~~

Elective medical procedures and/or cosmetic enhancements

~~Medical complications may arise out of an elective medical procedure and/or cosmetic enhancement treatment which prevent the employee returning to work on the expected date. The employee will be paid in line with the occupational sick pay scheme and should report their absence in accordance with the Attendance at work procedure.~~

Gender Reassignment

~~In the event of medical complications arising out of gender reassignment procedure, time off work will be paid in line with the occupational sick pay scheme and the employee should report their absence in accordance with the Attendance at work procedure. All such absences must be supported by a fit note.~~

10b. Medical – Non-elective

Non elective appointments include GP, hospital, dentist and optician; this list is not exhaustive.

Employee's attending a planned **hospital appointment** should seek approval to attend prior to the appointment date. Managers can ask for proof of the appointment, failure to provide this may result in the employee having to take unpaid time off or annual leave. **Hospital appointments cannot be changed to suit the needs of the person the comment that an employee should seek approval is unacceptable it might be better to say "the employee should inform their manager as soon as possible of the appointment being made"**

If you are pregnant and attending **antenatal appointments** or if you are attending routine cancer screening you will be able to take the time off with pay.

Employees on Flexi-time

Routine medical appointments, including dental appointments should be taken in the employee's own time, and be taken outside of the working day whenever possible.

Appointments without pay (time not credited):-

Where it is not possible to attend an appointment in their own time, employees are able to attend medical and personal appointments during the normal working day subject to adequate office cover. Employees are required to clock out for such appointments and will not be credited for this time.

Appointments with pay (time credited):-

Employees attending hospital appointments will be required to clock out for such appointments and will be credited for this time. Hospital appointments which are half a day or more will be classed as sick leave.

Employees attending routine cancer screening will be required to clock out for such appointments and will be credited for this time.

Employees who require time off to give blood to the National Transfusion Service will be required to clock out for such appointments and will be credited for this time (as long as the needs of the Service are met before the line manager agrees to the time off).

Employees not on Flexi-time

Employees should endeavour to arrange routine medical appointments, including dental appointments, outside of normal working time. Where this is not possible, reasonable time off with pay will be granted.

Employees attending hospital appointments will be granted reasonable time off with pay for this time. Hospital appointments which are half a day or more will be classed as sick leave.

Employees attending routine cancer screening will be entitled to time off with pay.

Employees who require time off to give blood to the National Transfusion Service will be allowed reasonable paid time off (as long as the needs of the Service are met before the line manager agrees to the time off).

Note

~~Separate arrangements are in place for appointments concerned with fertility, maternity, adoption and surrogacy. Refer to the Elective medical procedures section of this policy and the Parental policy for further details.~~

~~For further details relating to time off to attend medical appointments please refer to the Attendance at work procedure.~~

11. Military reservists, retained fire-fighters & special constables

~~Denbighshire County Council recognises that all military reservist employees have yearly training commitments and the potential for individuals to be called up for service in relation to military action. The Council is committed to working with employees to support them (within reason, and taking into account the needs of the organisation) during this process.~~

~~Further information relating to military reserve forces and our obligations as an employer can be found at;~~

Military reservists, retained fire-fighters and special constables will be granted paid leave of absence for mandatory annual training camp, up to a maximum of two weeks per year.

Retained fire-fighters who have to respond to an emergency during working hours will be able to do so using Emergency Leave, or Flexi/TOIL if they have sufficient hours. **What happens if they don't have emergency leave?**

For further information on military reserve forces and supporting their absence, please refer to the Military Reservists, Retained Fire Fighters and Special Constables Guidance.

12. Public duties

Employees can get time off work for certain public duties. There can be different payments and rights to time off dependent upon the public duty performed.

Reasonable time off

Qualifying employees will be allowed reasonable time off to go to meetings or carry out duties. The amount of time off must be agreed between the employee and employer before taking any time off. Employers will be allowed to refuse time off if it is unreasonable, however, the law does not specify a set amount of time. What may be classed as reasonable will depend on:-

- how long the duties might take
- the amount of time the employee has already had off for public duties
- how the time off will affect the business
- Denbighshire CC can't refuse staff time off to do jury service.

Who doesn't qualify for time off

Staff can't ask for time off work for public duties if they're:

- agency workers
- members of the police service or armed forces
- employed on a fishing vessel or a gas or oil rig at sea
- merchant seamen
- civil servants, if their public duties are connected to political activities restricted under their terms of their employment

What relevance does the above have in relation to staff who work for Denbighshire

Examples of public duties:

- a magistrate (also known as a justice of the peace)
- a local councillor
- a school governor
- a member of any statutory tribunal (e.g. an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council or board in Scotland

- a member of the Education Workforce Council
- a trade union member (for trade union duties)

Time off for Trade Union duties

The Trade Union and Labour Relations (Consolidation) Act 1992 (S168(1) and (2)) makes of provision for employees to be given the right for time off under various circumstances. Representatives will be permitted reasonable paid time off during working hours to carry out duties for one or more Union roles that are concerned with any aspect of collective bargaining and representation of individual members.

Please refer the Facilities Agreement on the Intranet for further details.

Jury Service

If an employee is taking jury service, serving on public duties or undertaking public duties e.g. polling/count duties, they will be granted paid leave of absence.

Attending court as a witness.

Paid leave will only be granted where the case is related to an employee's position or employment for Denbighshire County Council. cases. If you are attending a meeting as a witness for an employee, this

Cases that are not related to an employee's position or employment for Denbighshire County Council will have to be taken as annual leave, flexi leave, TOIL or unpaid leave.

13. Staff Council

Service representatives of the Staff Council may be required to take reasonable paid time away from their core duties to fulfil their role. This will include attendance at regular meetings for which adequate time will be provided. The full terms of reference can be found on the Staff Council page of the intranet.

14. Unpaid Leave, Flexi-leave & TOIL

Unpaid leave

Unpaid leave is for when employees need to take short-term time off work but have possibly exhausted their annual leave, flexi leave/TOIL, carers leave etc. Requests for unpaid leave are required to be made in advance, and with agreement with the line manager.

Managers will approve requests for unpaid leave on a case by case basis and must be in-line with the needs of the business. Whilst the council will grant a reasonable period of unpaid leave within a 2 month period, this reasonableness will be determined by consideration of service operations, staffing needs, customer needs, and individual circumstances.

Flexi-leave (Vision Time)

For senior posts, there will be an expectation that a reasonable number of hours will be worked over and above the contracted hours with no additional reimbursement.

For more detailed information regarding flexi time, please refer to the Flexible Working Policy and Guidance for Managers on the Intranet.

Employees who have reached their maximum credit on the flexi system will not automatically be able to claim and accrue TOIL for any further additional hours worked.

~~Employees on the flexi system are able to use accrued hours to take additional time off work. The flexi period runs on a 6 weekly cycle. Staff must ensure that they are not in a detriment for more than 2 cycles, and can only carry over 20 hours from one to the next, any hours accrued over and above this will be lost.~~

~~Staff can take up to 2 full days of flexi leave in every 6 week cycle. This can be taken in half or full days, in the same way as annual leave. Requests for flexi leave should follow the same process as annual leave. Staff may also work a 'short day' but must work a minimum of 4 and a half hours in these instances.~~

Employees leaving the council will not have excess flexi hours paid to them and every effort should be made to get to a zero balance.

Employees should ensure they have sufficient credit hours to cover leave. Flexi leave must not be taken if there are insufficient credit hours. Time accrued under the flexi scheme cannot be converted to time off in lieu.

Time off in Lieu (TOIL)

Time off in lieu (TOIL) is another way of reimbursing employees for hours worked over and above their contracted hours. Examples of when TOIL may be appropriate may be (this list is not exhaustive and it will be manager's discretion whether TOIL is appropriate):

- Planned evening meetings
- Training which involved long days or overnight travel
- Short periods of time worked as an extension of a normal working day

It will only be hours worked over and above the employee's contracted hours which are not reimbursed through any other means e.g. paid overtime that will be claimed as time off in lieu.

Time off in lieu will be accrued as plain time, regardless of when it is worked and a minimum of ½ hour must be worked before time off in lieu can be claimed.

The TOIL period runs on a 6 weekly cycle, and up to 20 hours of TOIL can be carried over from one TOIL period to the next. Hours in excess of 20 hours at the end of the 6 week period will be lost. Within a 6 week period, employees can take up to the equivalent of 2 days TOIL leave and this can be taken as whole or half days. Requests for TOIL leave should follow the same process as annual leave.

Where it is not possible, due to business reasons, to allow an employee to take 2 days TOIL leave during the 6 week period, and as a result of which the employee loses hours in excess of 20 hours, the amount lost should be repayable to the employee based on their basic hourly rate. This will only apply in cases where the employee has been unable to take TOIL due to business reasons. It will not apply to those who have had their 2 days TOIL but still had hours in excess of 20 at the end of the settlement period, or when employees have not taken the excess hours even though the business would have allowed them to.

Employees should ensure they have sufficient credit hours to cover requested leave. TOIL leave must not be taken if there are insufficient credit hours. Time accrued under the flexi scheme cannot be converted to time off in lieu.

Employees who have reached their maximum credit on the flexi system will not automatically be able to claim and accrue TOIL for any further additional hours worked.

Employees leaving the council should make every effort to achieve a zero balance. If this is not possible, then credit hours up to a maximum of 20 hours will be repayable to the employee at their basic rate. No enhancement will be payable for this time.

Credit hours are also not transferable from one service to another.

15. Volunteering

The council recognises that some employees wish for an opportunity to develop professional and personal skills whilst helping local people, **the community** or improving the environment. By encouraging voluntary activities, Denbighshire County Council demonstrates that they value their employees, local groups and community of Denbighshire.

It is expected that employee volunteering will normally take place in non-work time, which includes unpaid lunch breaks. However, there is management discretion should any time spent volunteering need to take place during the working day. Up to the equivalent of 5 days paid time off per calendar year can be allowed for ~~participation in volunteering activities~~ for training or attending meetings with the volunteering organisation. This is pro rata for part time employees.

For employees who are new to volunteering and for certain types of on-going projects, there may be a requirement for some initial training, 2 paid working days can be taken as time off for this one off volunteering activity **in addition to the 5 days as set out above.**

~~For full time employees, annual leave is normally taken in half or full days. Similar arrangements are in place for flexi leave and TOIL.~~ Where volunteers may need short periods of time off, leave can be taken in hours.

Note that this does not cover the statutory duty to allow employees time off for public duties. See Public duties.

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Family Friendly Policies

Wellbeing Impact Assessment Report

This report summarises the likely impact of a proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	365
Brief description:	Flexible Working Policy Managing Carers Leave Policy Parental Leave Policy (maternity, paternity, adoption, shared) Time off Work Policy
Date Completed:	Version: 0
Completed by:	
Responsible Service:	Legal, HR & Democratic Services
Localities affected by the proposal:	Whole County,

IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

Score for the sustainability of the approach

Could you do more to make your approach more sustainable?

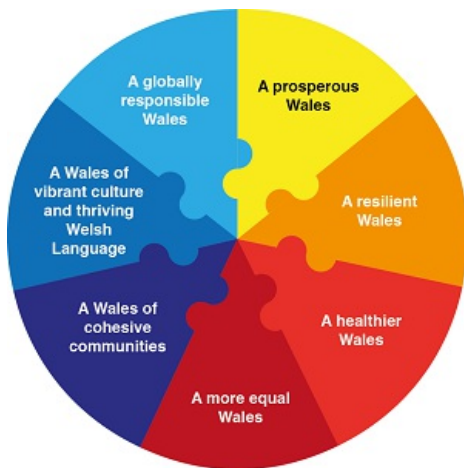


(2 out of 4 stars)

Actual score : 16 / 24.

Summary of impact

Wellbeing Goals



A globally responsible Wales	A prosperous Denbighshire	Positive
A Wales of vibrant culture and thriving Welsh Language	A resilient Denbighshire	Neutral
A Wales of cohesive communities	A healthier Denbighshire	Positive
A more equal Wales	A more equal Denbighshire	Positive
A healthier Wales	A Denbighshire of cohesive communities	Positive
A resilient Wales	A Denbighshire of vibrant culture and thriving Welsh language	Neutral
A globally responsible Wales	A globally responsible Denbighshire	Neutral

Main conclusions

THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

A prosperous Denbighshire

Overall Impact	Positive
Justification for impact	Overall, the policies provide a mechanism for those with caring and parental responsibilities to remain in work/learning and build skills within the community through facilitating learning/upskilling. Providing a better work life balance and the ability to pursue other opportunities and life skills (e.g. military reservists, on call fire fighter) whilst retaining paid employment

Positive consequences identified:

Flexible working policy encourages the use of alternative methods of working which in turn promotes less travel - working from home, hot desking closer to home/meetings, Jabber, video calling etc. Less cars and congestion in rural/towns - less emissions etc By providing family friendly leave enables families to utilise local services and spend in local shops outside of your normal weekend hours.

More opportunities for some to continue in employment e.g. working parents utilise the flexible working and time off work policies

Facilitates staff to upskill whilst remaining in employment e.g. magistrates, reservists, volunteering, career breaks, courses/qualifications etc.

The policies facilitate working parents and carers to continue in employment/learning, whilst balancing their family needs. Facilitating family friendly policies can encourage parents to return to work and access local Childcare, therefore increasing demand

Unintended negative consequences identified:

Career break, maternity and paternity leave could potentially increase the carbon due to extra travel Less people spending within local shops and communities due to them not being in the office locality. By providing leave employers may attract additional costs to cover the vacated posts.

Less jobs available for new starters in the local area as more people are able to remain in work due to increased retention

The Council could lose skills for a temporary period whilst employees are on leave. Maybe a delay in skills and training being acquired due to the time off work.

More pressure on childcare providers to provide flexible childcare outside of the traditional working day

Mitigating actions:

N/A

A resilient Denbighshire

Overall Impact	Neutral
Justification for impact	As above

Positive consequences identified:

Flexible working means more working at home, therefore buildings can be closed

Unintended negative consequences identified:

Increased energy usage from people working from home/alternative locations

Mitigating actions:

n/a

A healthier Denbighshire

Overall Impact	Positive
Justification for impact	As above

Positive consequences identified:

Allows people to have a healthy work life balance e.g. work around health appointments, exercise classes, children's social activities, healthy hobbies etc.

Allowing a good work life balance, could mean that there is more time to prepare fresh, home cooked meals, or grow your own vegetables.

Allows people to have a healthy work life balance e.g. exercise classes, children's social activities, and exploring outside areas, healthy hobbies, and local community groups etc.

Allows people to have a healthy work life balance, which all reduces stress and improve emotional and mental well-being e.g. exercise classes, children's social activities, and exploring outside areas, healthy hobbies, and local community groups etc.

Family Friendly policies allow easier access to healthcare appointments and services during their normal operating time frames

Unintended negative consequences identified:

Some people can experience social isolation when not in work, which can impact on emotional and mental well-being

Mitigating actions:

A more equal Denbighshire

Overall Impact	Positive
Justification for impact	As Above

Positive consequences identified:

All family friendly policies are applicable to all employees and provide an equal opportunity for all staff and exceed the minimum legislative requirements

The policies allow for staff to be able to accommodate appointments and programmes in a flexible manner (e.g. smoking cessation, caring for a chronic condition with medical appointments)

The family friendly policies enable an employee to retain their employment and reduce benefit claims

Unintended negative consequences identified:

Mitigating actions:

A Denbighshire of cohesive communities

Overall Impact	Positive
Justification for impact	As above

Positive consequences identified:

The time off work policies can encourage participation in volunteer schemes to build a cohesive community

Unintended negative consequences identified:

Mitigating actions:

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	

Positive consequences identified:

Unintended negative consequences identified:

Mitigating actions:

A globally responsible Denbighshire

Overall Impact	Neutral
Justification for impact	

Positive consequences identified:

Unintended negative consequences identified:

Mitigating actions:

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PARENTAL POLICIES

(MATERNITY, PATERNITY, ADOPTION, PARENTAL AND SHARED)

Page 105

Date agreed & Implemented:	20.09.2011
Agreed by:	Full Council
Review date:	
Frequency:	

<i>Ver</i>	<i>Status</i>	<i>Date</i>	<i>Reason for Change</i>	<i>Authorised</i>
1.0			Updated legislation and amalgamated maternity, paternity, adoption and parental leave policies together	

Contents Page

1. Maternity
1. Paternity
2. Adoption
3. Parental leave
4. Shared parental leave

ROLES & RESPONSIBILITIES

Head of Service/Director

- To ensure all staff are aware of the parental policy and their obligations under it.
- Develop a culture where staff are encouraged to openly discuss their work life balance preferences.
- Ensuring a consistent and fair process is followed for staff.
- Support managers in carrying out their responsibilities under this policy.
- Consider requests for discontinuous Shared Parental Leave on a case by case basis in line with both employee and business needs.

Councillors

- To encourage a culture of work life balance and engagement with this policy.
- To ensure the council's policies are in line with best practice and legislation.

Line Managers/Supervisors

- Support individuals in their decisions for periods of leave when becoming new parents.
- Work collaboratively with staff to ensure their needs are met with regards to childcare, whilst also meeting business needs.
- Respond to requests for leave promptly, sensitively and in line with this policy.
- Ensure staff are fully aware of these procedures, as well as notice periods and information we expect to receive from them.
- Consistently apply the policy amongst all staff.
- Assist in developing a supportive culture.
- Undertake risk assessments for those employees who are pregnant, ideally through each trimester of their pregnancy.
- To ensure any employees on Maternity, Paternity, Adoption, Parental or Shared Parental Leave are kept as fully informed of changes or important matters as if they were still in the workplace (i.e. consultations etc.).
- To keep in touch with their employees when taking extended periods of absence.

Human Resources

- Advise managers and employees on the process and policy.
- Ensure the policy and procedure are current and fair.
- Provide advice and guidance regarding support measures and accessing them.

Employees

- To be discuss with their manager their needs as early on as possible.
- To be open with their manager to ensure that thorough risk assessments are carried out and temporary adjustments can be considered if needed.
- To comply with all the timescales set out as far as reasonably possible.
- To provide the information requested of them in a timely fashion.
- To work with managers to decide on work life balance support measures that suit both them and the business needs.
- To keep in touch with their manager when taking extended periods of absence.

Trade Union Representatives

- To support their members/colleagues in line with this policy where requested.
- To make representations on their behalf and provide them with advice.

***Please note that any lists contained within this policy are not exhaustive**

1. Prior to Maternity Leave

Timescales

When/Time	Action required
After 12 weeks pregnant or as soon as possible	Tell their Manager and discuss their intentions: to return, to defer the decision or not to return
After 20 weeks pregnant	Ask their Doctor or midwife for a maternity certificate (MATB1) showing when the baby is due. This must be the original MATB1
During or before the 15th week before the EWC (Expected week of childbirth)	Complete the appropriate Application for Maternity Leave form confirming when they intend to commence maternity leave. Within 28 days Payroll will confirm acknowledgement in writing
After 29 weeks pregnant (11 th week before the EWC)	Commence maternity leave if they have chosen to do so
During maternity leave	If the employee wishes to return early (before 52 weeks) then 8 weeks' notice is required in writing to their Manager.
52 weeks from the beginning of the week in which maternity leave started	Latest time by which the employee has a right to return to their job.

Maternity Leave

All pregnant employees are entitled to take up to one year's (52 weeks) maternity leave, regardless of length of service with the employer. This is made up of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave. Additional Maternity Leave immediately follows Ordinary Maternity Leave and there must be no gap between the two.

All pregnant employees, regardless of their length of service, are entitled to a period of 26 weeks Ordinary Maternity Leave, providing that certain notification requirements are met;

To apply for Ordinary Maternity Leave, the pregnant employee must write to her manager before the end of the 15th week before the week her baby is due (around 25 weeks pregnant) confirming:

- That she is pregnant
- The expected week of childbirth as stated on MAT B1 certificate
- The date she intends to start her leave

Ordinary Maternity Leave

Ordinary Maternity Leave can start no earlier than the beginning of the 11th week before the expected week of childbirth. A woman has a right to change the date she starts her maternity leave as long as she gives 28 days' notice to her employer. A woman has the right to work right up to the day of the birth if she wishes. However, if she is absent from work because of a pregnancy related reason in the four weeks before the expected week of childbirth, her maternity leave will start automatically from the first date of absence.

Additional Maternity Leave

All pregnant employees have the right to an additional period of maternity leave. This additional period of leave begins at the end of Ordinary Maternity Leave, for 26 weeks totalling 52 weeks maternity leave.

Time off for Antenatal Care

All pregnant employees, regardless of their length of service with the council, are entitled to reasonable paid time off to keep appointments for antenatal care made on the advice of a doctor, midwife or health visitor.

Except in the case of a first appointment to obtain a certificate, the woman must be prepared to show, on request from her employer, a certificate from a doctor, midwife or health visitor confirming that she is pregnant and also an appointment card or some other document showing that an appointment has been made.

Fathers and partners of pregnant women who are in a qualifying relationship are entitled to unpaid time off to attend two ante-natal appointments (up to a maximum of 6.5 hours per appointment).

Employees and agency workers who are considered to be in a qualifying relationship for the purposes of this new statutory right include:

- a pregnant woman's husband, partner or civil partner, i.e. if she's in a same-sex relationship
- the father of the child
- the parent of the child; and
- intended parents in a surrogacy situation who meet specified conditions

Intended parents in a surrogacy case who meet the conditions set out under the Human Embryology and Fertilisation Act 2008 will also have the right to unpaid leave to attend up to two antenatal appointments.

Averaging Maternity pay

Employees eligible for Occupational Maternity Pay, i.e. the half pay element, are able to decide to have this money averaged out for the period of week 7 to 39. Statutory pay must be paid when it is due. Please discuss this with Payroll, as this will affect your Tax and NI payments, and means that some staff will benefit from this option, but some staff will not. Please see 1f for details on Maternity pay.

Completing a risk assessment

Managers should carry out a risk assessment for woman who are pregnant, as soon as possible. It may be that more than one risk assessment is required as employee progresses through the trimesters of pregnancy. This needs to be done in conjunction with the employee, and reasonable adjustment may need to be implemented to accommodate the employee's needs during her pregnancy. A risk assessment prior to returning should also be carried out.

During Maternity Leave

Entitlement to Maternity Pay

Employees, both full and part-time **and teaching and non-teaching**, who are pregnant or have just given birth are entitled to a maximum of 39 weeks Statutory Maternity Pay (SMP) if:

- They have worked for their employer for a continuous period of at least 26 weeks ending with the qualifying week, which is 15 weeks before the expected week of childbirth.
- Their average weekly earnings in the eight weeks up to and including the qualifying week must have been at least equal to the lower earnings limit for National Insurance contributions.

Employees with less than 26 weeks of continuous service by the end of the 15th week before the expected week of confinement, or whose earnings are less than the minimum earnings limit for NI in the relevant period, do not qualify for SMP and instead may be entitled to Maternity Allowance instead. This is paid direct to the woman by the Social Security/Jobcentre Plus Offices. Employees will be issued with a SMP 1 form which confirms why they do not qualify, to enable them to approach the relevant agency to discuss entitlement to Maternity Allowance.

She must notify her employer in writing no later than the end of the 15th week before the week her baby is due, or as soon as reasonably practicable.

- That she is pregnant
- The expected week of childbirth as stated on MAT B1 certificate
- The date she intends to start her leave
- **The date she intend to return (if averaging pay)**

She can give notice for SMP at the same time as for Maternity Leave. To qualify for SMP only, she must give at least 28 days' notice of the date she expects her SMP to start as well as medical evidence of her pregnancy.

She can change her leave dates if she gives 28 days' notice.

What are the rates of Maternity Pay for NJC staff?

The first six weeks of Statutory Maternity Pay are paid at 90% of the employee’s average weekly earnings.

Qualifying employees then receive the next 12 weeks paid at ½ pay which is supplemented by SMP standard rate, or 90% of the woman’s average weekly earnings if lower. To qualify for this ½ pay period, employees must have completed one full year Local Government Service at the 11th week before the Expected Week of Confinement.

The ½ pay must be paid back if employee does not return to work for a 3 month period following the end of her Maternity Leave.

Employees who have over 26 weeks continuous service by the end of the 15th week before the expected week of confinement, but less than one year’s service, will be paid the SMP standard rate, or 90% of the woman’s average weekly earnings if lower, during those 12 weeks.

The remaining 21 weeks are paid at the SMP standard rate, or 90% of the woman’s average weekly earnings, if lower.

Over one year’s NJC service table:

Weeks 1 - 6	90% of average weekly earnings (based on an average of the employees last 8 weeks gross earnings)	Ordinary Maternity Leave period (week 1 – 26)
Weeks 7 – 18	12 weeks half pay (if eligible) + standard rate SMP	
Weeks 19 – 39	21 weeks at standard rate SMP (or 90% of the employee’s average weekly earnings if lower)	Additional Maternity Leave period (week 27 – 52)

Weeks 40 – 52	Unpaid	
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26 weeks to one year's NJC service table

Weeks 1 - 6	90% of average weekly earnings (based on an average of the employees last 8 weeks gross earnings)	<i>Ordinary Maternity Leave period (week 1 – 26)</i>
Weeks 7 – 39	21 weeks at standard rate SMP (or 90% of the employee's average weekly earnings if lower)	
Weeks 40 – 52	Unpaid	<i>Additional Maternity Leave period (week 27 – 52)</i>

What are the rates of Maternity Pay for Teachers?

Qualifying teacher are paid the first four weeks of Statutory Maternity Pay at 100% of the employee's average weekly earnings. To qualify, teachers must have completed one full year Local Government Service at the 11th week before the expected week of confinement.

Teachers then receive the next 2 weeks paid at 90% of their average weekly earnings.

The 12 weeks after this are paid at ½ pay plus SMP, unless to combination of the two amounts (SMP + ½ pay) exceeds full pay in which case there are deductions. This period is subject to the same qualifying rules as above, meaning the employee must have over one year's continuous service to receive this.

The remaining 21 weeks are paid at the SMP standard rate, or 90% of the woman's average weekly earnings, if lower.

The full pay and ½ pay elements must be paid back if the teacher does not return to work for a 13 week period following the end of her Maternity Leave.

Employees who have over 26 weeks continuous service by the end of the 15th week before the expected week of confinement, but less than one year's continuous service will be paid the 90% of their average earnings for the first 6 weeks, and SMP standard rate, or 90% of the woman's average weekly earnings if lower, for the next 33 weeks.

Over one year's Teachers service table:

Weeks 1 – 4	4 weeks full pay (offset against payments made by way of SMP or MA)	<i>Ordinary Maternity Leave period (week 1 – 26)</i>
Weeks 5 – 6	90% pay (off-set by payments made by way of SMP or MA)	
Weeks 7 – 18	Half pay* without deduction except by the extent to which the combined pay and SMP (or MA) exceeds full pay	
Weeks 19 – 39	Statutory Maternity Pay	
Weeks 40 – 52	Unpaid (max 13 weeks)	<i>Additional Maternity Leave period (week 27 – 52)</i>

26 weeks to one years' Teacher service table:

Weeks 1 – 6	90% of average weekly earnings (off-set by payments made by way of SMP or MA)	<i>Ordinary Maternity Leave period (week 1 – 26)</i>
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Weeks 7 – 39	Statutory Maternity Pay	<i>Additional Maternity Leave period (week 27 – 52)</i>
Weeks 40 - 52	Unpaid	

Pension Scheme

Pension contributions will automatically continue to be deducted from Maternity pay during the period of **paid Maternity Leave**. This will be based on the amount of pay received by the employee during this time. The council will continue to make their employer contributions at the employee's usual rate of pay. During the period of unpaid **Maternity Leave** no pension will be paid, however, at the end of the maternity leave the employee can decide to pay contributions for the unpaid period.

This must be arranged in writing within 30 days of the employee returning to work after Additional Maternity Leave and the employer will provide details of the amount that the individual would have to pay back to cover the gap in pension contributions.

This is applicable to contributions to both the LGPS and Teachers Pensions

Miscarriage, **termination and stillbirth**

Absence due to miscarriage, **termination** or stillbirth before the start of their 24th week of pregnancy will be treated as normal sickness absence and the employee will be entitled to contractual sick pay.

If miscarriage or stillbirth occurs from after the start of their 24th week of pregnancy, the employee will be entitled to receive maternity leave **and SMP**.

Early births

Maternity leave will start the day after the birth if the baby is born early.

Keeping in Touch Days (KIT Days)

During the maternity leave period an employer may make reasonable contact with an employee, and in the same way an employee may make contact with her employer. The frequency and nature of the contact will depend on the circumstances such as, the nature of the work and the employee's post or changes at the workplace that might affect the employee on her return.

Employees may, by agreement with their employer, do up to ten days' work or training, known as 'Keeping in Touch Days' under their contract of employment during the maternity leave period. **There is no obligation on either the employer to offer KIT days, or for the employee to work KIT days. However, KIT days can be used for work related training, normal day to day work, or appraisal interviews.** The type of work that the employee undertakes on 'Keeping in Touch Days' and the payment will be by agreement between the employer and the employee prior to the start of maternity leave. KIT days will not include the two weeks immediately after the birth of the baby.

Work done on a KIT day will count as a whole keeping-in-touch day, regardless of the time actually worked.

Employment rights during Maternity Leave

Employee rights are not affected during Maternity leave, meaning they continue to accrue their continuous service and annual leave. Please see the Annual Leave Guidance for Managers and Employees for details on accruing and taking annual leave during and after a period of maternity leave.

1. Returning from Maternity Leave

An employee on maternity leave can return to work at the end of her maternity leave and does not normally need to inform her manager prior to the date of return. However, if she wishes to change the date of her return she should give at least 8 weeks' notice in writing. It is unlawful for a woman to return to work within 2 weeks of giving birth (4 weeks for factory workers).

At the end of Maternity Leave, an employee must return from Maternity Leave with their seniority, pension rights and similar rights as they would have if they had not been absent, regardless of whether any additional leave has been taken. This means that the whole of the Maternity Leave period must count, for example, for the purpose of accruing the service needed for an increase to annual leave, and service related pay increments.

If an employee does not return to work after her maternity leave, her absence should be regarded as unauthorised absence and the normal disciplinary rules would apply. Employees who do not return within 3 months must pay all Occupational Maternity Pay back to the council.

Completing a risk assessment & breastfeeding

Prior to returning, managers should complete a risk assessment with the employee. Consideration should be given to women who wish to continue to breastfeed during their return, as they must be able to express in a clean, safe, and quiet area with a fridge to store the milk. This may require implementing temporary reasonable adjustments. Employees who wish to express during the working day have the right to do so, but must clock out during this time.

2. Paternity Leave

Timescales

When/time	Action required
As soon as they know their partner is pregnant, or matched with a child for adoption	Tell their Manager and discuss their intentions: to return, to defer the decision or not to return
During or before the 15th week before the expected week of childbirth / 7 days prior to placement	Inform Manager of intention to take paternity leave
28 days prior to expected week of childbirth / placement	Notify manager of intention to take paternity pay
2 weeks	Maximum time off; either 2 weeks Paternity leave, or 1 week Paternity and 1 week Maternity Support Leave

Paternity Leave

Paternity leave is for employees who have responsibility for bringing up the child, including the biological father, the mother's husband or partner (including same sex couples). To qualify, employees must have at least 26 weeks' continuous service by the end of the 15th week before the expected week of birth (or the week in which a match is made with a child for adoption) and continue to work for their employer until the baby's birth.

A qualifying employee can take either one or two consecutive weeks, beginning on any day of the week, to care for a new-born or adopted child and support the mother or adoptive parent. This cannot be taken as odd days and only one period of leave may be taken, even if the pregnancy results in more than one child.

The employee can choose to take paternity leave from the date of the baby's birth or later as long as leave is taken within 56 days of the birth. If the birth is premature, the leave can be taken within 56 days of the expected date of birth.

Paternity Pay

Statutory Paternity Pay (SPP) will be paid for the period of Paternity leave, providing the following apply:

- The employee has been in employment with the council for at least 26 weeks by the end of the 15th week before the due birth date.
- The employee's average weekly earnings are above the lower limit for National Insurance contributions

Employees must notify their employer of the day on which they expect to start their paternity leave and whether they wish to take 1 or 2 weeks leave, on or before the 15th week before the expected week of childbirth (or within 7 days of matching a child for adoption). If this is not possible, the employer must be notified as soon as is reasonably practicable. Employees must complete a self-certificate as evidence of their eligibility for paternity leave. The same procedure acts as evidence for paternity pay (certificates available from HR or www.hmrc.gov.uk/forms/sc3.pdf).

For paternity pay, employees must notify their employer at least 28 days before they expect their pay period to start (or as soon as is reasonably practicable).

Stillbirth

Absences relating to parents wishing to take time off work to support their partner due to miscarriage, termination or stillbirth before the start of the 24th week of pregnancy, will be treated as normal requests for leave (albeit the requests for such absences may be at short-notice) and the employee will need to take annual leave/flexi/TOIL/unpaid leave.

If miscarriage or stillbirth occurs after the start of the 24th week of pregnancy the employee will be entitled to receive paternity leave and pay as outlined above.

What is Maternity Support Leave?

Please note that those on Teachers terms and conditions are **not** eligible for Maternity Support Leave.

Maternity Support Leave is for the husband/partner, civil partner/same sex partner or nominated carer of an expectant mother. A nominated carer is the person nominated by the mother as her primary provider of support at or around the time of birth and may be a relative or someone who has a caring relationship with the mother and/or child.

Eligible staff are entitled to one week's leave (pro-rata for staff working less than full-time) with **full** pay at or around the time of the birth. Requests for this leave should be made on the Maternity Support Leave form by staff and should be countersigned by the mother. **These requests will need to be made as soon as possible, no later than the usual notice periods required for requesting annual leave.**

Blending Paternity Leave and Maternity Support Leave

Currently green book conditions allow 1 week Maternity Support leave (MSL) on full pay. Employees who qualify for both MSL and Paternity Leave will be entitled to one week's MSL at full pay and one week's Paternity Leave in accordance with the current rate of

Statutory Paternity Pay (SPP), pro-rata for part-time staff. This can be taken as a single two-week block, or as two separate week-long blocks.

Time off for Antenatal care

Fathers and partners of pregnant women who are in a qualifying relationship are entitled to unpaid time off to attend two ante-natal appointments (up to a maximum of 6.5 hours per appointment).

3. Adoption Leave

Timescales

When/Time	Action required
As soon as they know they have been matched	Tell their Manager and discuss their intentions: to return, to defer the decision or not to return
During or before the 15th week before the expected date of placement	Complete the appropriate Application for Adoption Leave form confirming when they intend to commence adoption leave. Within 28 days Payroll will confirm acknowledgement in writing
28 days prior to placement/date of change	Employee needs to give 28 days notice to change their adoption leave dates
14 days prior to placement	Commence adoption leave if they have chosen to do so
During adoption leave	If the employee wish to return early (before 52 weeks) then 8 weeks' notice is required in writing to their Manager.
52 weeks from the beginning of the week in which adoption leave started	Latest time by which the employee has a right to return to their job.

Adoption Leave

Eligible employees who are matched with a child for adoption are entitled to take up to one year's (52 weeks) adoption leave. This is made up of 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave.

Where a couple adopt, only one will qualify for adoption leave and pay. The other will be able to take Paternity Leave if they meet the eligibility criteria.

The scheme does not apply to adoption by existing foster carers or step families.

Ordinary Adoption Leave

All employees who adopt are entitled to a period of 26 weeks ordinary adoption leave and 26 additional adoption leave, regardless of length of service with the employer.

To take advantage of Ordinary Adoption Leave, the employee must inform the employer of their intention to take adoption leave when they are matched with a child producing documentation from the adoption agency stating:-

- The date they were notified of having been matched with the child
- The date on which the child is expected to be placed for adoption or the actual date of placement (if this has already happened)

There must be no gap between Ordinary Adoption Leave and Additional Adoption Leave.

Ordinary Adoption Leave can start no earlier than fourteen days prior to placement. An employee has a right to change the date that Ordinary Adoption Leave is to start as long as 28 days notice is given to the employer.

Additional Adoption Leave

All employees have the right to an additional period of adoption leave. This additional period of leave for 26 weeks begins at the end of Ordinary Adoption Leave, totalling 52 weeks adoption leave.

Averaging Adoption pay

Employees eligible for Occupational Adoption Pay, i.e. the half pay element, are able to decide to have this money averaged out for the period of week 7 to 39. Statutory pay must be paid when it is due. Please discuss this with Payroll, as this will affect your Tax and NI payments, and means that some staff will benefit from this option, but some staff will not.

Employment rights during Adoption Leave

Employee rights are not affected during Adoption leave, meaning they continue to accrue their continuous service and annual leave. Please see the Annual Leave Guidance for Managers and Employees for details on accruing and taking annual leave and Adoption Leave.

During Adoption Leave

Entitlement to Adoption pay

The employee must notify their manager in writing no later than the end of the 15th week before the week the date of placement is due, or as soon as reasonably practicable, when they intend the adoption leave to begin. The employee can give notice for Statutory Adoption Pay at the same time as for Adoption Leave.

To qualify for Statutory Adoption Pay only, they must give at least 28 days' notice of the date they expect Statutory Adoption Pay to start as well as evidence of placement for adoption. Leave dates may be changed with 28 days' notice.

Employees, both full and part-time, **and teachers and non-teachers**, who are matched with a child for adoption and intend to take advantage of adoption leave are entitled to a maximum of 39 weeks Statutory Adoption Pay (SAP) if:

- They have worked for their employer for a continuous period of at least 26 weeks ending with the week in which they are notified of having been matched with the child.
- Their average weekly earnings must be at least equal to the lower earnings limit for National Insurance contributions.

Where possible, an employee must give at least 28 days' notice of the date on which they want their Statutory Adoption Pay to start.

An employee can change their mind about when they want their leave to start as long as they give at least 28 days' notice before the original date or the new date they want leave to start, whichever is the later.

An employee must notify the employer no later than the fourteen days before the date of placement, or as soon as reasonably practicable.

- That they are matched with a child for adoption from an adoption agency
- When the expected week of placement will be (in writing)
- When they intend the adoption leave to begin (in writing)

What are the rates of Adoption Pay for NJC staff?

The first six weeks of Statutory Adoption Pay are paid at 90% of the employee's average weekly earnings.

Qualifying employees then receive the next 12 weeks paid at ½ pay which is supplemented by SAP standard rate, or 90% of their average weekly earnings if lower. To qualify for this ½ pay period, employees must have completed one full year Local Government Service at the 11th week before the date of adoption placement.

The ½ pay must be paid back if employee does not return to work for a 3 month period following the end of their Adoption Leave.

Employees who have over 26 weeks continuous service by the end of the 15th week before the date of the adoption placement, but less than one year’s service, will be paid the SAP standard rate, or 90% of their average weekly earnings if lower, during those 12 weeks.

The remaining 21 weeks are paid at the SAP standard rate, or 90% of their average weekly earnings, if lower.

Over one year’s NJC service table:

Weeks 1 - 6	90% of average weekly earnings (based on an average of the employees last 8 weeks gross earnings)	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 7 – 18	12 weeks half pay (if eligible) + standard rate SAP	
Weeks 19 – 39	21 weeks at standard rate SAP (or 90% of the employee’s average weekly earnings if lower)	
Weeks 40 – 52	Unpaid	<i>Additional Adoption Leave period (week 27 – 52)</i>

26 weeks to one year's NJC service table

Weeks 1 - 6	90% of average weekly earnings (based on an average of the employees last 8 weeks gross earnings)	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 7 – 39	21 weeks at standard rate SAP (or 90% of the employee's average weekly earnings if lower)	
Weeks 40 – 52	Unpaid	<i>Additional Adoption Leave period (week 27 – 52)</i>

What are the rates of Adoption Pay for Teachers?

Qualifying teachers are paid the first four weeks of Statutory Adoption Pay at 100% of the employee's average weekly earnings. To qualify, teachers must have completed one full year Local Government Service at the 11th week before the date of adoption placement.

Teachers then receive the next 2 weeks paid at 90% of their average weekly earnings.

The 12 weeks after this are paid at ½ pay plus SAP, unless the combination of the 2 amounts (SAP + ½ pay) exceeds full pay in which case there are deductions. This period is subject to the same qualifying rules as above, meaning the employee must have over one year's continuous service to receive this.

The remaining 21 weeks are paid at the SAP standard rate, or 90% of their average weekly earnings, if lower.

The full pay and ½ pay elements must be paid back if the teacher does not return to work for a 13 week period following the end of their Adoption Leave.

Employees who have over 26 weeks continuous service by the end of the 15th week before the date of adoption placement, but less than one year's continuous service will be paid the 90% of their average earnings for the first 6 weeks, and SAP standard rate, or 90% of their average weekly earnings if lower, for the next 33 weeks.

Over one year's Teachers service table:

Weeks 1 – 4	4 weeks full pay (offset against payments made by way of SAP)	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 5 – 6	90% pay (off-set by payments made by way of SAP)	
Weeks 7 – 18	Half pay* without deduction except by the extent to which the combined pay and SAP exceeds full pay	
Weeks 19 – 39	Statutory Adoption Pay	<i>Additional Adoption Leave period (week 27 – 52)</i>
Weeks 40 – 52	Unpaid (max 13 weeks)	

26 weeks to one years' Teacher service table:

Weeks 1 – 6	90% of average weekly earnings (off-set by payments made by way of SAP)	<i>Ordinary Adoption Leave period (week 1 – 26)</i>
Weeks 7 – 39	Statutory Adoption Pay	

Weeks 40 - 52	Unpaid	<i>Additional Adoption Leave period (week 27 – 52)</i>
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Pension Scheme

Pension contributions will automatically continue to be deducted from Adoption pay during the period of paid Adoption Leave. This will be based on the amount of pay received by the employee during this time. The council will continue to make their employer contributions at the employee's usual rate of pay. During the period of unpaid Adoption Leave no pension will be paid, however, at the end of the adoption leave the employee can decide to pay contributions for the unpaid period.

This must be arranged in writing within 30 days of the employee returning to work after Additional Adoption Leave and the employer will provide details of the amount that the individual would have to pay back to cover the gap in pension contributions.

This is applicable to contributions to both the LGPS and Teachers Pensions

Keeping in Touch Days (KIT Days)

During the adoption leave period an employer may make reasonable contact with an employee, and in the same way an employee may make contact with their employer. The frequency and nature of the contact will depend on the circumstances such as, the nature of the work and the employee's post or changes at the workplace that might affect the employee on their return.

Employees may, by agreement with their employer, do up to ten days' work or training, known as 'Keeping in Touch Days' under their contract of employment during the adoption leave period. There is no obligation on either the employer to offer KIT days, or for the employee to work KIT days. However, KIT days can be used for work related training, normal day to day work, or appraisal interviews. The type of work that the employee undertakes on 'Keeping in Touch Days' and the payment will be by agreement between the employer and the employee prior to the start of adoption leave.

Work done on a KIT day will count as a whole keeping-in-touch day, even if it is only for half an hour or so.

Employment rights during Adoption Leave

Employee rights are not affected during Adoption leave, meaning they continue to accrue their continuous service and annual leave. Please see the Annual Leave Guidance for Managers and Employees for details on accruing and taking annual leave during and after a period of adoption leave.

Returning from Adoption Leave

An employee simply returns 52 weeks after the adoption leave commenced. However, the employee must give at least 8 weeks' notice if they intend to return to work before the end of the full adoption leave period (i.e. 52 weeks).

At the end of Ordinary Adoption Leave, an employee has the right to return to the same job with the same terms and conditions, unless a redundancy situation has arisen, in which case s/he is entitled to be offered a suitable alternative vacancy.

An employee who returns to work after Additional Adoption Leave is entitled to have the same job and the same terms and conditions as if s/he had not been absent, unless:

- A redundancy situation has arisen during the absence period; or
- There is some other reason why it is not reasonably practicable to take them back in their original job

In which case, the employee is generally entitled to be offered suitable alternative work.

4. Parental Leave

Timescales

When/Time	Action required
18 weeks	Total unpaid time off granted as Parental Leave per child
21 days' prior to taking leave	Employees must give at least 21 calendar days' notice of their intention to take Parental Leave
1 week after request	Managers to advise employees by no later than 7 calendar days if their request for leave must be postponed.
4 weeks	Maximum amount of time taken per year unless the employer agrees otherwise
1 week	Parental leave to be taken in blocks of a week, unless child is disabled

Parental Leave

Parental Leave regulations specify that parental leave applies only for children born after 15th December 1999, the date the regulations came into force. There is **no** entitlement for parental leave to be paid.

An employee who has completed one year's service and having or expecting to have parental responsibility for a child (**including adopted child**) up until the **child's 18th birthday**. Those with 'parental' responsibility include, parents, foster parents, adopters and guardians.

~~When a child for whom Disability Living Allowance has been awarded, parental leave can be taken up until the child is 18 years old.~~

~~Where the child is adopted, parental leave can be taken up to the child's 18th birthday.~~

Parental leave applies to each child. Therefore if an employee has twins, they will be entitled to 36 weeks parental leave.

Entitlement to Parental Leave

Parental leave is unpaid. The child must be under 18. **The total 18 week's entitlement is for the entire period, not per year.** Parental leave applies to each child not to an individual's job.

Example

An employee is entitled to 18 weeks. They've used 10 with a previous employer. They can use up to 8 weeks with their new employer if they are eligible.

Child	Entitlement
For each child	18 weeks up to their 18th birthday
For each adopted child	18 weeks up to their 18th birthday
For each child who qualifies for Disability Living Allowance	18 weeks up to their 18th birthday

One week's parental leave is equal to the length of time that an employee is normally required to work in a week. This means that an employee who usually works Monday to Friday is equal to 5 days. For an employee who usually works Mondays and Tuesdays only, a week is equal to 2 days.

If the employee's working pattern varies from week to week, you must calculate an average working week as a fraction of the period for which the employee is required to work in a year.

Giving notice to take Parental Leave

Employees must give a minimum of 21 working days' notice in writing.

Postponement of Parental Leave

Parental leave can be postponed if the operation of the business would be unduly disrupted. Leave shall not be postponed for more than 3 months except in exceptional circumstances.

Managers will notify the employee within 7 days of receiving a request for parental leave the reasons for the postponement specifying the date on which the agreed period of leave will begin and end.

Postponement **may not** be used where employees in the particular circumstances outlined below have requested parental leave:

Following Paternity Leave & Maternity Support Leave	The unpredictability of timing of childbirth will also have implications for notice. It is recommended that employees expecting to take paternity leave or maternity support leave should discuss their likely requirements for parental leave.
Following Maternity & Adoption Leave	Where parental leave is taken as a full time block of leave following maternity/adoption leave, an employee will not be required to refund monies paid under maternity/adoption leave payment unless he/she does not return to council employment for a period of at least three months after the end of the parental leave period.
At the time of Adoption	At times prior to adoption or following adoption leave where the parent is required to be at home by the adoption process.

Flexible Parental Leave

Employees can take a maximum of 4 weeks parental leave in any year in respect to any individual child however a single block of 18 weeks may be considered in special circumstances.

Employees are required to take parental leave in multiples of one week, unless the child is disabled, in which case it can be taken as individual days.

Returning to work

At the end of parental leave, an employee has the right to return to the same job with the same terms and conditions, unless a redundancy situation has arisen, in which case the employee is entitled to be offered a suitable alternative vacancy.

An employee who returns to work after Parental Leave is entitled to have the same job and the same terms and conditions as if he/she had not been absent, unless:

- A redundancy situation has arisen during the absence period; or
- There is some other reason why it is not reasonably practicable for the employer to take him/her back in his/her original job

In which case, the employee is generally entitled to be offered suitable alternative work

Shared Parental Leave

Timescales

When/Time	Action required
As soon as they know they are (or their partner is) pregnant/matched to a child for adoption purposes	Tell their Manager and discuss their intentions: to return, to defer the decision or not to return
8 weeks prior to taking and Shared Parental Leave or Pay	Employee must notify their manager of their request/intention to take Shared Parental Leave / Pay at least 8 weeks prior. Any new start dates agreed must also be agreed at least 8 weeks before taking the first day off
14 days after giving notice	Manager/HR to confirm period of leave if 1 continuous block requested. Alternatively if discontinuous periods requested, Managers have 14 days to respond with either refusal or suggest possible alternatives. Managers also have 14 days to request further evidence
14 days after request for further evidence	Employees must provide the evidence requested within 14 days of being asked to do so
15 days after initial request/notification for leave submitted	Employee can withdraw their request for discontinuous periods of leave up to 15 days after their initial request, should it be refused (this then will not count towards their right to 3 requests for leave)
19 days after initial request/notification for leave submitted	Employees have until the 19 th day after they originally requested discontinues periods of leave to decide on a new start date for taking SPL as 1 continuous block.

Shared Parental Leave

Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child/children during the first year of birth or adoption for those due to be born or placed for adoption on or after 5 April 2015. The purpose is to give parents more flexibility in considering how to best care for, and bond with their child.

Shared Parental Leave gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 50 weeks' leave should they wish to do so. Parents taking shared parental leave can take leave as a 'continuous' block. This is a statutory right and this type of request cannot be refused.

Eligible employees are also entitled to submit up to three 'periods of leave' notices to take the leave as separate 'discontinuous' blocks, returning to work in between blocks. Such leave will be considered and requires council agreement. **For example, parent one has the first 3 months off, then returns to work whilst parent two has 3 months off, then parent one takes another block of 3 months off when parent two returns to work etc. Parents may also choose to take their periods of Shared Parental Leave off at the same time as each other.**

Employees and managers should where possible have an informal discussion prior to employees giving formal notification of intention to take shared parental leave so that statutory and contractual entitlements to other types of leave and pay can be discussed, and to ensure that plans for any discontinuous periods of leave can be considered as early as possible.

Requests for Shared Parental Leave which are not made in accordance with the statutory notification requirements will be given reasonable consideration, but may not be granted.

Eligibility for Shared Parental Leave

Shared Parental Leave can only be used by two people:

- The mother/adopter **and**
- The father of the child (in the case of birth) or the spouse, civil partner or partner of the child's mother/adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption. Additionally an employee seeking to take Shared Parental Leave must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave, or at least statutory maternity/adoption pay, or maternity allowance, and must have ended or given notice to reduce any maternity/adoption entitlements
- the employee must still be working for the Denbighshire County Council during each period of Shared Parental Leave
- have been working for at least 26 weeks continuously by the end of the 15th week before the expected week of confinement/date of adoption placement.
- the employee must correctly notify the service of their entitlement and provide evidence as required

During the 66 weeks before the week the baby's due (or the week you're matched with your adopted child) your partner must:

- **have been working for at least 26 weeks (they don't need to be in a row)**
- **have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row)**

Shared Parental Leave entitlement

After the birth of a child it is compulsory to take two weeks' maternity leave (four weeks for new mothers who work in a factory), so in **these** cases, working parents will have the opportunity to split 50 weeks of SPL.

Shared Parental Leave is in addition to the statutory right to two weeks' paternity leave for fathers and partners. Eligible employees wishing to take paternity leave must do so **before** taking any Shared Parental Leave.

The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the Shared Parental Leave system and take any remaining weeks as Shared Parental Leave.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of Shared Parental Leave. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

Shared Parental Leave can commence as follows:

- The mother can take Shared Parental Leave after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take Shared Parental Leave after taking at least two weeks of adoption leave
- The father/partner/spouse can take Shared Parental Leave immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any Shared Parental Leave or Shared Parental Pay).

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

Share Parental Leave will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice. If the employee is eligible to receive it, Statutory Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period. See 'Statutory Shared Parental Pay' below.

Shared Parental Leave must be taken in blocks of at least one week and must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost

Giving notice to take Shared Parental Leave

Employees who wish to take Shared Parental Leave must notify the council in writing at least **eight weeks** before the start date of the first period of Shared Parental Leave.

The written notice must contain the following information:

- Your name and the other parent's name
- The start and end dates of the mother's or main adopter's maternity/adoption leave (or the start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave)
- The expected date of birth/placement and the actual date of birth/placement if the written notice is given after the birth/placement
- The amount of Shared Parental Leave and Shared Parental Pay available and an indication of how much each parent intends to take (this may be varied by a subsequent written notice signed by both parents)
- An indication of the start and end dates of the periods of Shared Parental Leave and Shared Parental Pay that you intend to take. This indication is not binding and can be amended at a later date.
- A declaration that you meet the conditions for entitlement to Shared Parental Leave, the information provided is accurate and that you will notify the council immediately if you cease to meet the conditions for entitlement.
- A declaration from the other parent containing his or her name, address and National Insurance number, confirmation that s/he meets the employment and earnings conditions, consents to the amount of leave the employee intends to take and will immediately inform you if s/he ceases to satisfy the employment and earnings conditions.
- Partner declaration as below

Giving notice to take Shared Parental Pay

In addition to what must be included in the notice of entitlement to take Shared Parental Leave (above), any notice that advises of an entitlement for Shared Parental Pay must include:

- the start and end dates of any maternity/adoption pay or maternity allowance
- the total amount of Shared Parental Pay available, the amount of Shared Parental Pay the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim Shared Parental Pay

- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for Shared Parental Pay and that they will immediately inform the council should they cease to be eligible.
- partner declaration as below

Partner declaration

Any notice to take Shared Parental Leave and/or Shared Parental Pay must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming Shared Parental Pay and for the council to process any Shared Parental Pay payments to the employee;
- (in the case whether the partner is the mother/adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Giving notice to take a specific period

In practice, at least the first period of Shared Parental Leave will be identified in the initial notice of entitlement and intention to take Shared Parental Leave. You are entitled to submit a maximum of a further two 'period of leave' notices. Each notice must be given at least eight weeks before the start of a period of leave, stating the dates of the leave and the dates on which Shared Parental Pay will be claimed, if applicable.

If the first 'period of leave' notice is given prior to the birth of a child, the notice may express the start date in relation to the date of birth, for example 'starting two weeks after the baby is born for a period of four weeks'.

Requesting further evidence of eligibility

Denbighshire County Council may, within 14 days of the Shared Parental Leave entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth)

- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to Shared Parental Leave, the employee must produce this information within 14 days of the employer's request.

Fraudulent claims

Denbighshire County Council can, where there is a suspicion that fraudulent information may have been provided or where Denbighshire County Council has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the council's disciplinary policy, without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

Varying a period of leave

You are entitled to submit a request to vary a period of leave in the following ways:

- vary the start or end date as long as the variation is requested at least eight weeks before the original start date and the new start date
- vary or cancel the amount of leave requested at least eight weeks before the original start date
- request that a single period of leave become a discontinuous period of leave, or vice versa.

A variation will count as one of your three periods of leave notices unless:

- it is made as a result of the child being born earlier or later than the expected week of childbirth
- the company has requested the variation
- the company has agreed to accept more than three period of leave notices.

The usual eight-week notice requirement may be modified if your child is born early and the new start date for the period of leave is the same length of time following the birth as in the original notice. In this case notice to vary the start date should be given as soon as reasonably practicable after the birth of the child.

Responding to/confirming a Shared Parental Leave notification

Once HR receives the '**period of leave**' notice, it will be dealt with as soon as possible. A response will be provided no later than the 14th day after the request was made.

If a continuous period of leave is requested in each 'period of leave' notice, you will be entitled to take that period of leave and this will be confirmed in writing by HR.

If more than one period of leave (a discontinuous periods of leave) is requested in a 'period of leave' notice, your manager will seek to accommodate the request but this cannot be guaranteed. Your manager will discuss the request with you to determine if it can be accommodated. All requests for discontinuous leave will be carefully considered on a case-by-case basis, weighing up the potential benefits to the employee and to the service against any adverse impact to the business. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of Shared Parental Leave. If it cannot be accommodated, there may be an alternative pattern of leave which can be agreed, or the request may be refused. The manager's decision will be confirmed in writing.

If no agreement is reached or a discontinuous period is refused within 14 days of the period of leave notice being submitted you can:

- take the discontinuous periods of leave requested in one continuous block, beginning on the original start date
- take the continuous block starting on a new date, as long as the new date is later than the original start date, and you notify the company of the new date within five days of the two week period referred to above (i.e. 19 days after the original notification was given)
- withdraw the request without detriment at any time up to the 15th day after it was originally made. If the request is withdrawn in these circumstances it will not count as one of your three requests.

If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the **14th day** after the 'period of leave' notification was made. The request may be granted in full or in part: for example, the service may propose a modified version of the request.

During Shared Parental Leave

Statutory Shared Parental Pay

Eligible employees may be entitled to up to 37 weeks Statutory Shared Parental Pay (ShPP) while taking Shared Parental Leave. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

Shared Parental Pay may be payable during some or all of Shared Parental Leave, depending on the length and timing of the leave.

Any Shared Parental Pay due will be paid at a rate set by the Government for the relevant tax year.

In addition to meeting the eligibility requirements for Shared Parental Leave, an employee seeking to claim Shared Parental Pay must further satisfy each of the following criteria:

- the mother/adopter must be/have been entitled to Statutory Maternity Pay, Statutory Adoption Pay or Maternity Allowance and must have reduced their maternity/adoption pay period or maternity allowance period
- the employee must intend to care for the child during the week in which Shared Parental Pay is payable
- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions
- the employee must remain in continuous employment until the first week of Shared Parental Pay has begun
- the employee must give proper notification in accordance with the rules set out below.

Where an employee is entitled to receive Shared Parental Pay they must, at least eight weeks before receiving any Shared Parental Pay, give their line manager written notice advising of their entitlement to Shared Parental Pay. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take Shared Parental Leave.

Terms and conditions during Shared Parental Leave

During the period of Shared Parental Leave, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving Shared Parental Pay but not during any period of unpaid Shared Parental Leave. Employee contributions will be based on actual pay, while the council's contributions will be based on the salary that the employee would have received had they not been taking Shared Parental Leave.

Shared Parental Leave is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should, wherever possible, be taken in the year that it is accrued. Where a Shared Parental Leave period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year. **The same principles apply as with maternity and adoption leave, as set out in the Annual Leave Guidance for Managers and Employees.**

Contact during Shared Parental Leave

Before an employee's Shared Parental Leave (SPL) begins, the manager will discuss the arrangements for them to keep in touch during their leave. The council reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

Shared Parental Leave in Touch days

An employee can agree to work for the council (or attend training) for up to 20 days during Shared Parental Leave without bringing their period of SPL to an end or impacting on their right to claim Shared Parental Pay for that week. These are known as 'Shared Parental Leave in touch days' (SPLIT). Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The council has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the service and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving Shared Parental Pay, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the service, may use SPLIT days to work part of a week during SPL. The service and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

Returning to work after Shared Parental Leave

The employee will have been formally advised in writing by the council of the end date of any period of Shared Parental Leave. The employee is expected to return on the next working day after this date, unless they notify the council otherwise. If they are unable to attend work due to sickness or injury, the council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the council at least eight weeks' notice of their date of early return. **This will count as one of the employee's notifications.** If they have already used their three notifications to book and/or vary leave then the council does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

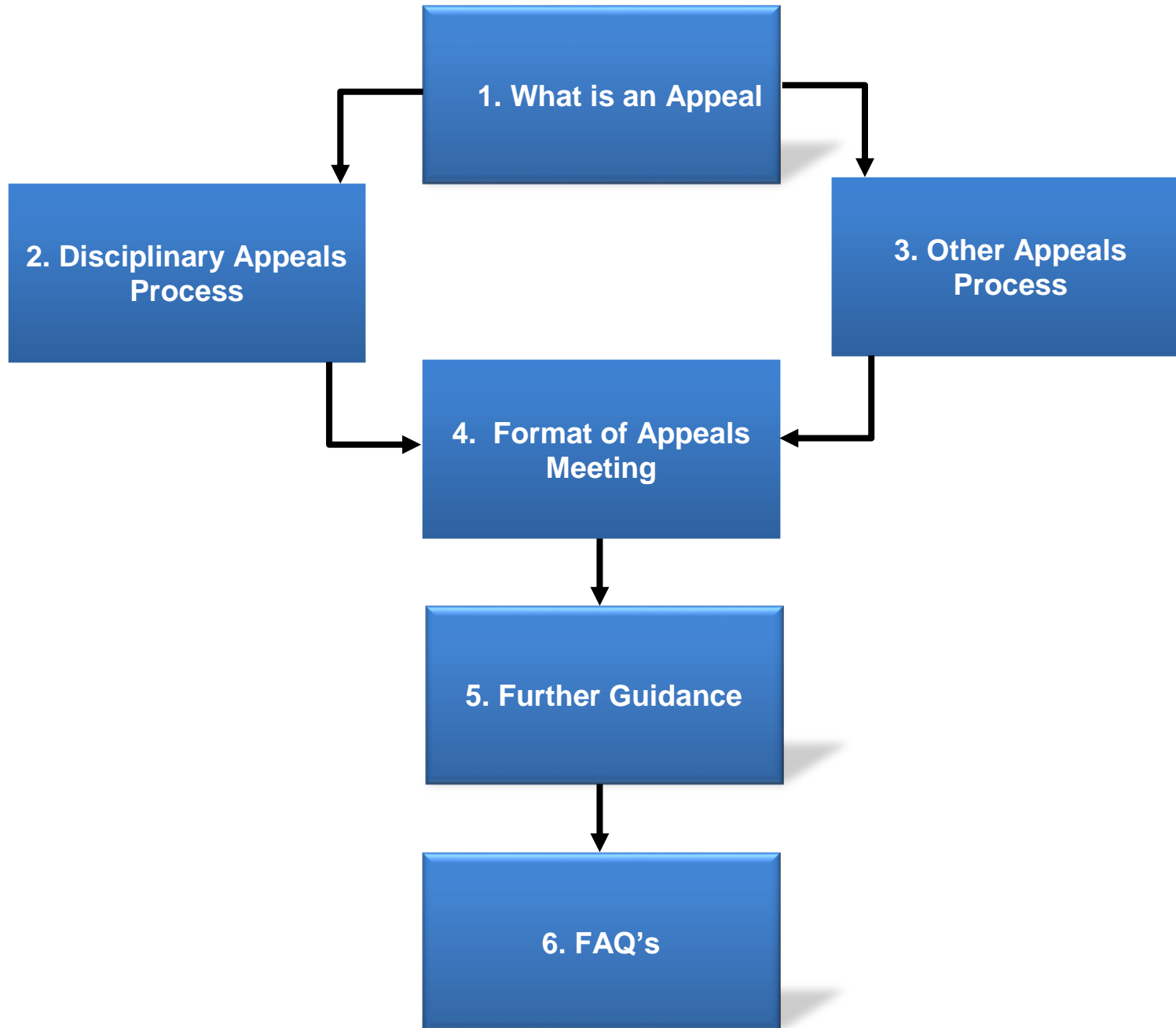
On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of four weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of five weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

CORPORATE APPEALS POLICY



TIMESCALES

Employee lodges appeal	Within 10 working days of the date of notification of a decision
Confirmation of appeal, detailing timescales and information required	Within 5 working days of receiving the appeal
Appeal meeting arranged	Within a reasonable time and not longer than 30 working days from receipt of the employee's appeal
Employee informed of date of appeal	At least 5 working days before the appeal meeting
Employee required to provide details of appeal, their representative and witnesses	At least 5 working days before the appeal meeting
Employee provided with management evidence	At least 5 working days before the appeal meeting
Employee advised of outcome of appeal	Confirmation in writing within 5 working days of the appeal meeting

*For the purpose of timescales, 'days' are classed as working days and are based on a full time week (Mon-Fri) and not contracted days of an employee

ROLES AND RESPONSIBILITIES

Employee responsibilities

Ensure all forms and required paperwork is submitted within given timescales/deadlines.

If the employee intends to bring a representative or calling any witnesses to the appeal meeting, it is their responsibility to ensure that they inform them of meeting time, dates, and locations to confirm their attendance **and provide them with all necessary paperwork.**

The employee should ensure that they are fully prepared for the appeal meeting and should liaise with their representative prior to the meeting to ensure they are aware of their role.

Appeal Officer/Panel Responsibilities

The role of the Appeal Panel/Appeal Officer is to conduct the meeting in an honest and objective manner. In the case of an appeal against a dismissal the convened Appeal Panel the same responsibilities apply. See **Appeals Policy Following Disciplinary Dismissals.**

The Appeal Officer is usually the manager's manager, an equivalent manager or a more senior manager than the manager who fulfilled the role of Deciding Officer in the original meeting. They should not have had direct involvement in the case previously. However, direct involvement does not mean 'prior knowledge' of the case, but rather, active involvement in key decisions that have been made in relation to the case.

The Appeal Panel/Appeal Officer should refer to the appropriate policy (disciplinary, grievance for example), to ensure that the correct process has been followed. The Appeal Panel/Appeal Officer should also liaise with the clerk to the original hearing who will provide administrative support, take notes as necessary and assist with the following where appropriate:-

- Ensuring that the procedure is followed and that timescales are adhered to, making sure that the employee is aware of these.
- Reminding the employee that they have the right to be accompanied and that they need to name their representative in advance of the meeting.

HR Responsibilities

If the employee is appealing against a dismissal a HR Business Partner will be in attendance at the appeal meeting and also have involvement in convening the appeal meeting. The purpose of their attendance would be to ensure procedure was correctly followed and to provide impartial advice on policy and employment law issues raised by either side during the course of the meeting. HR will not necessarily be in attendance at all Appeal meetings, although general support is available if required.

HR will review this policy and ensure it is up to date in line with any legislative or organisation changes.

1. What is an appeal?

An appeal may be lodged by an employee against a management decision in the following circumstances:

- Dismissal following unsatisfactory progress during the probationary period
- Dismissal for Gross Misconduct
- First and Final warnings
- Ill health dismissal
- Outcome of a grievance
- Penalty issued following a capability hearing
- Redundancy
- Any stage of the formal attendance procedure
- Any other dismissal

An employee may also appeal against a decision following an application for the following:

- Any applications made within the council's Flexible Working Policy
- Secondment
- Redeployment

This policy has been developed to ensure that an appeal to any decision taken against a Denbighshire County Council employee is conducted in an honest and objective manner, taking into account the original decision and how reasonably the council's policies had been applied.

Notification of appeal

Grounds for appeal should be reasonable. Employees can make an appeal against a decision/matter/outcome if they believe:

- The finding was unreasonable in view of the evidence produced
- There is new evidence available which was not available at the time of the original meeting
- There were serious procedural irregularities
- Insufficient regard was given to mitigating factors

The appeal must be lodged in writing within 10 working days (See timescales section) of receiving official notification of the decision, by completing the Notification of Appeal form. See **Notification of Appeal Form Template**. If the appeal is lodged after the 10 day deadline, the manager should confirm with HR the next course of action. In exceptional circumstances, and only with genuine good reason, an additional 5 working days (See timescales section) may be granted, but after this time, the right of appeal is lost

In their written notification of appeal, the employee should make clear:

- If it is the decision and/or the level of sanction or the process which is being appealed against
- Exact grounds for the appeal, including a full explanation of why they are appealing

2. Appeals Process following a Disciplinary Dismissal

Appeal panel and role

Where there is an appeal against a dismissal following a disciplinary, then a two Head of Service/Director Panel and a HR Business Partner will be convened. The Panel must nominate one Panel member to take the role of Chairperson for the meeting.

The role of the Panel is to conduct the meeting in an honest and objective manner. Equal consideration has to be given to the submissions of the Deciding Officer and the employee and regard for the reasonableness of the disciplinary decision already taken. A properly conducted appeal meeting may correct a previously flawed disciplinary process and care must be taken to ensure that the Panel's decision is one that it can reasonably take, having regard for the range of disciplinary sanctions available.

The Panel must have regard for the fact that in the event of a decision to dismiss, an employment tribunal hearing may be convened at a later date. In such circumstances, the tribunal will consider the reasonableness of the employer's actions including the appeal process. The Panel must therefore consider all aspects of the case, seek more information if appropriate, and have regard for any new information that has been presented, even if not presented or known at the original disciplinary meeting. If the Panel is not satisfied with the disciplinary process, and a full re-hearing has not taken place, it may be appropriate to refer the matter for further investigation and/or a new disciplinary meeting.

Further details on the reasonableness test are shown below. All Appeal Panel members, where appropriate, must have regard also for this aspect. They must be satisfied that their decision is warranted, in terms of the misconduct or unsatisfactory performance that has occurred.

The reasonableness of an employer's actions, as may be tested by an Employment Tribunal, relates to a range of issues including:

- Has an appropriate investigation been undertaken?
- Have the appropriate procedural steps been followed?
- Is there a genuine belief in the actions of the individual?
- Are there reasonable grounds for that belief?
- Are there any mitigating circumstances to be considered on the part of the individual?

Please refer to the Disciplinary Policy for further details on the correct Disciplinary process to be followed and subsequent possible outcomes.

3. All other appeals other than dismissals issued under the disciplinary policy

Appeal Officer and their role

The Appeal Officer is usually the manager's manager, an equivalent or a more senior manager than the manager who fulfilled the role of Deciding Officer in the original meeting. **However, for any stage 3 absence dismissals, under the attendance at work procedure, the appeal must be heard by another Head of Service or Director.**

The role of the Appeal Officer is to conduct the meeting in an honest and objective manner. Equal consideration has to be given to the submissions of the Deciding Officer and the employee and regard for the reasonableness of the decision already taken. A properly conducted appeal meeting may correct a previously flawed process.

The Appeal Officer will determine the procedure for how the appeal will be heard as follows:

If the grounds for appeal are regarding a specific part of the original case, the Appeal Officer will consider that specific part, and the appeal will not be a re-hearing of the whole case.

If the grounds for appeal are that the original hearing procedure was flawed the case may be re-heard by the Appeal Officer.

If the appeal is against a decision to refuse flexible working the Appeal Officer will consider the original application and the manager's reasons for refusing.

4. Format of Appeal Meeting

The Chair of the Appeal Panel/Appeal Officer will introduce all those present and confirm the purpose, format and ground rules of the meeting and confirm whether any information has been presented, and whether the new information can be presented at the appeal.

The Chair of the Appeal Panel/Appeal Officer will check that the employee is accompanied by a trade union representative or **Denbighshire County Council** colleague. If not, it will be confirmed that this is from choice.

If required the meeting may be adjourned at any time. This may be appropriate if new facts emerge or matters raised need clarification. It may be necessary to reconvene the meeting at a later date. If no adjournment is necessary, the employee and their representative will be given the chance to summarise their points.

Who attends an Appeal Meeting?

- The Appeal Panel/Appeal Officer
- The employee that has submitted the appeal
- Trade Union / colleague representative
- The deciding officer of the original hearing
- Witnesses if applicable
- HR Business Partner in the case of Disciplinary dismissal appeals
- Possibly a HR representative where required for appeals other than those arising from a disciplinary dismissal
- An Administrator for the meeting

Appeal meeting part 1 – Employee presents their appeal

- a) The employee or their representative will present their information, calling witnesses if applicable and/or referring to any prepared witness statements.
- b) The Appeal Panel/Appeal Officer may ask questions of the employee or their representative and/or question any witnesses if applicable, or further refer to the statements.
- c) The Deciding Officer may ask questions of the employee or their representative and/or question any witnesses if applicable, or further refer to the statements.
- d) The Appeal Panel/Appeal Officer may interject for points of clarification.

Appeal meeting part 2 – Deciding Officer presents their decision

- a) The Deciding Officer of the original meeting will present their information, calling witnesses if applicable and/or referring to any prepared witness statements.
- b) The Appeal Panel/Appeal Officer may ask questions of the Deciding Officer, or further refer to the statements.
- c) The employee may ask questions of the Deciding Officer and/or question any witnesses if applicable, or further refer to the statements.
- d) The Appeal Panel/Appeal Officer may interject for points of clarification.

Witnesses may be released from the meeting upon conclusion of their evidence, at the discretion of the Appeal Panel/Appeal Officer.

Appeal meeting part 3 – Overall summary

- a) The Deciding Officer will be asked to give his/her summary.
- b) The Employee or their representative will be asked to give their summary.
- c) The Chair of the Appeal Panel/Appeal Officer will ask if both sides are satisfied that they have said all they have to say.
- d) The Chair of the Appeal Panel/Appeal Officer will thank the employee, their representative and the Deciding Officer of the original meeting and ask them to leave

Appeal meeting part 4 – Making a decision

The Appeal Panel/Appeal Officer will consider the evidence as presented, consulting as they wish with the notes made by the administrator to the appeal.

If the employee is appealing the decision to dismiss due to a disciplinary, the Appeal Panel/Appeal Officer should consider:

1. If the case had been sufficiently investigated, and if so,
2. If it was reasonable, on the balance of probabilities, for the original meeting to conclude that misconduct had been substantiated, and if so,
3. Was the outcome within the range of reasonable actions to take

If the employee is appealing the level of the action imposed following a disciplinary, the Appeal Panel/Appeal Officer should consider the facts as put to the appeal meeting and determine what level of action is appropriate. This will be the same greater or or a lesser response than that imposed at the original meeting.

If the employee is appealing for a reason other than as a result of a disciplinary, the Appeal Officer should consider whether the correct process had been followed, the fairness and reasonableness of the case to date, and whether the outcome fell into the range

of reasonable outcomes of that particular situation. As outlined in the paragraph above, the outcome will be the same or lesser than imposed at the original meeting.

The Chair of the Appeal Panel/Appeal Officer may recall all parties and announce the decision(s) to the parties personally. Alternatively, the Chair of the Appeal Panel/Appeal Officer may prefer not to recall the two sides but to defer their decision and respond later in writing.

If the Appeal Panel/Appeal Officer have decided that reinstatement is the outcome of the appeal meeting, then this must be carefully considered where there is a breakdown in relationships.

If the employee's appeal is against a refusal for flexible working, the Appeal Panel/Appeal Officer should consider the business reasons for the original decision.

The decision of the appeal meeting will be final and will be confirmed in writing to all parties including the employee's representative within 5 working days* of the appeal meeting. The administrator to the meeting will assist the panel in this correspondence.

There is no further right of appeal against the decision after an appeal has been heard.

Copies of all notes and correspondence related to the appeal should be forwarded to HR.

5. Further Guidance

Administration prior to appeal meeting

HR will confirm receipt of the appeal in writing, within 5 working days (See timescales section).

The employee will be informed in writing of the appeal meeting and their right to be accompanied at the appeal by an employee representative, trade union official or colleague. See [Invitation to Appeal Meeting Letter Template](#). The representative can participate in the meeting, but they cannot answer questions on behalf of the employee.

The appeal meeting will be held within a reasonable timescale, usually within 10 working days (see timescales section) of receipt of the appeal. However, in more complex cases this may be extended to within 30 working days.

At least 5 working days (See timescales section) prior to the meeting the employee will be:

- given written notice of the meeting time and place
- informed how the case will be heard and by whom
- provided with any additional new management information / evidence that will be considered at the meeting.

At least 5 working days (See timescales section) prior to the meeting the employee will need to provide the Appeal Panel/Appeal Officer with the following:

- confirmation that they will be attending the meeting
- any additional details to support their appeal
- the details of their representative
- the details of any witnesses

It is the responsibility of the employee to ensure that their representative and their witnesses are available to attend the meeting. The **Appeal Panel/Appeal Officer** may either rely on the **written outcome of the original hearing** or arrange for the witnesses to attend the appeal meeting.

Provision will be made for any reasonable adjustments to accommodate the needs of a person with disabilities at the meeting, provided reasonable notice is given to the **Appeal Panel/Appeal Officer** responsible prior to the meeting. This may include holding the meeting in an accessible room, providing an interpreter, additional equipment or allowing extra breaks.

Postponement and failure to attend appeal meeting

Postponement and failure to attend an appeal meeting will follow the same guidance as noted in the standard policy statements

Notes during the appeal meeting

An administrator may attend the appeal meeting to take notes.

These notes will be for the purpose of the Appeal Panel/Appeal Officer and to prepare agreed minutes of the meeting. These notes will not be available for distribution to any other party.

The notes should be typed up and distributed within 5 working days (See timescales section) of the appeal. The original notes and a copy of the typed notes should be placed on the employee's HR file.

Normal procedure will be that appeal meetings will be recorded using voice recording equipment supplied by Denbighshire County Council. If the employee does not wish to give their consent to the Appeal Panel / Appeal Officer using the voice recording equipment then they will need to inform the Appeal Officer / Appeal Panel 5 days before the meeting.

Any recording will be treated as personal data under the General Data Protection Regulation (GDPR) in accordance with the (GDPR) principles.

Documents to be considered at the appeal

Wherever possible information from the original meeting, which is not disputed, should be agreed and circulated in advance of the appeal being heard.

Any intention by any party to present new evidence/witnesses during the appeal meeting, which were not considered at the original meeting, should be submitted to the administrator of the appeal at least 2 working days (See timescales section) before the appeal meeting. The Chair of the Appeal Panel/Appeal Officer will have the final decision whether such information can be presented.

Other Considerations

The Appeal Panel/Appeal Officer should consider the following:

- Making an appeal is likely to be a distressing experience for the employee.
- If the employee becomes upset or distressed allow time for them to regain their composure. If necessary adjourn and reconvene at a later date.
- During the meeting frustrations and anger may be vented. However abusive language or behaviour should not be tolerated.
- Whether the appeal could be a result of a legitimate attempt by the employee's manager to manage their performance, **or if there are any other ongoing issues or concerns which could have led to the appeal, or have an impact on it.**
- Arranging for the original Investigating Officer and any other relevant participants to be available to attend the meeting should further information or clarity be required.
- Allowing the employee time to state their case clearly.
- Ensuring that any new evidence introduced is included in the appeal meeting documentation

Witnesses

Witnesses to an incident may provide important information about the facts leading to the incident under discussion.

Both the Deciding Officer and the employee can call witnesses.

The Deciding Officer / employee will initially need to approach the witnesses to confirm they are willing to provide evidence. **Any witnesses called by either party will not be subject to any detriment for either attending or declining to attend an Appeal meeting.**

A minimum of 5 working days (See timescales section) before the meeting the **Deciding Officer** / employee should provide the Appeal Panel/Appeal Officer with the details of any witnesses they intend to call. The Chair of the Appeal Panel/Appeal Officer will ensure that the employee is supplied with any evidence from the management case, including witness statements, which the Appeal Panel/Appeal Officer will be using.

It is the **Deciding Officer** / employee's responsibility to ensure that their witnesses are available to attend the meeting. **Witnesses will only be in attendance to give their evidence and will not be present for the entire meeting. Witnesses may be questioned by the Appeal Panel/Appeal Officer, the Deciding Officer, the employee or their representative.**

Rooms should be made available for witnesses to wait in before they are called to the meeting. Witnesses called upon by the employee should be kept separate to witnesses called upon by the Deciding Officer for the duration of the meeting. Every effort will be made to provide witnesses with timescales.

It is not always necessary to request that witnesses attend an appeal meeting as decisions can be made using witness statements alone.

Right for time off to be a witness

An employee who has been called a witness is entitled to reasonable time off to fulfil that role, by prior arrangement with their manager. This should include time to confer with their colleague or manager before the meeting and to attend the meeting.

The manager has the right to refuse if not given sufficient notice or if unable to cover the absence. However they should not unreasonably prevent the employee from attending.

Employees do not have to accept a request to be a witness and they should not be pressurised to do so, however they should be encouraged to co-operate as much as possible to ensure a fair and reasonable process.

6. Frequently Asked Questions (FAQs)

What should I expect if I am called as a witness to a meeting?

If you are asked to attend a meeting, the employer and employee must be allowed to verify and question you about the information you have provided. In general, you should only be called to a meeting if further clarification of your written statement is required.

If you are a witness for an employee you will be questioned by the Appeal Panel/Appeal Officer who may ask you to clarify certain aspects of your statement, including your version of events.

As a witness, as part of the management case, the employee who has made the appeal can also ask you questions.

It is important that you refer only to the facts of the case and as far as possible refer to actual words or actions.

Different witnesses may have different versions of what happened and the Appeal Panel/Appeal Officer must weigh up the evidence.

What if I do not agree with the appeal decision?

The decision of the Appeal Panel/Appeal Officer is final in accordance with Denbighshire County Council's appeal process. If you do not accept the appeal decision you could seek advice from an external expert.

What if relations have broken down between my manager and I? Do I have to stay in the same job whilst the appeal is going on?

It is important to remain as professional as possible **and in most cases it would be expected for the employee and manager to remain as they are during the short duration of the appeal. However, it is sometimes appropriate to** be temporarily assigned to another role within your department or be managed by a different manager in the short term **but this would not be on a permanent basis.** Mediation may also be a consideration. You should discuss the situation with your manager or if not possible, a more senior manager.

What if my union representative, work colleague or myself are not available on the day scheduled for the appeal meeting?

If there are genuine reasons why you or your representatives are unable to attend on the scheduled date, one further date will be arranged. Should this delay have an impact on timescales, your agreement to extend the meeting beyond the time limit will be expected. **When requesting a re-arrangement of the meeting, you should specify when you are available.**

If you fail to attend more than once without reasonable cause, the manager hearing your appeal can decide to proceed in your absence on the basis of the information available. You will be notified of the decision in writing.

Will I be given enough time to prepare my case?

Each appeal request will be dealt with on a case-by-case basis. Your manager will ensure that you are allowed time to prepare for your case.

What if I am appealing because I feel I have been treated unfairly in my original hearing?

You should give specific examples of the treatment you believe to be unfair within your appeal form. The Appeal Panel/Appeal Officer will consider all the information presented during the appeal and will make an impartial decision in conjunction with the appropriate council policies. A HR Specialist or Business Partner may also attend the Appeal to provide clarity on council policy and ensure that correct procedure is followed

Can the Appeal Officer/Panel consider new or related incidents that come to light in the appeal meeting?

The Appeal Panel/Appeal Officer can only consider matters considered during the original case. If substantial new information comes to light during the meeting this will need to be referred for separate investigation as a new case - in line with the relevant policy or procedure.

Corporate Appeals Policy

Wellbeing Impact Assessment Report

This report summarises the likely impact of a proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	231
Brief description:	Updating and reviewing the Corporate Appeals Policy. Appeals mechanism for any Employee Relations matters
Date Completed:	25/04/2017 14:58:53 Version: 1
Completed By:	Elin Hughes
Responsible Service:	Legal, HR & Democratic Services
Localities affected by the proposal:	Whole County,

IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

Score for the sustainability of the approach

Does it need more thought?

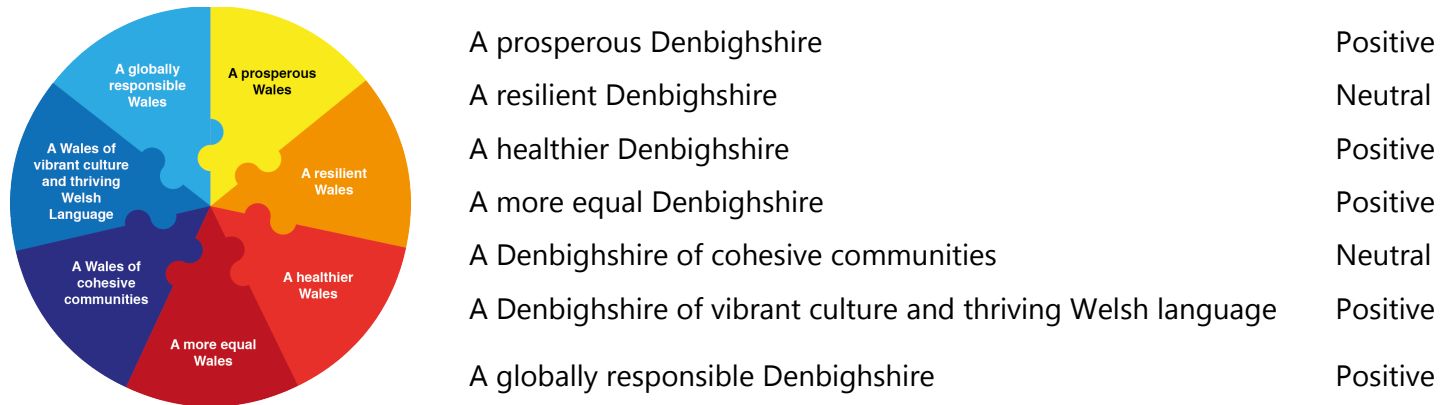
(1 out of 4 stars)



Actual score: 8/ 24.

Summary of impact

Wellbeing Goals



Main conclusions

Further discussion will take place with the corporate improvement team regarding the suitability of the Well-being Impact Assessments

THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

A prosperous Denbighshire

Overall Impact:	Positive
Justification for Impact:	Ensuring fair and consistent process for the employees of DCC, many of whom are residents of Denbighshire. The fair process will ensure reputation as a fair employer

Positive consequences identified:

One of the largest employers in the area. Ensuring we have fair and equitable policies for our employees securing jobs for the long term and maintaining good retention rates.

Unintended negative consequences identified:

Mitigating actions:

A resilient Denbighshire

Overall Impact:	Neutral
Justification for Impact:	The appeals policy does not have an impact on any of the above criteria

Positive consequences identified:

Unintended negative consequences identified:

Mitigating actions:

A healthier Denbighshire

Overall Impact:	Positive
Justification for Impact:	Fair process for staff. Will help to ensure the health and wellbeing of the workforce

Positive consequences identified:

Fair process for staff. Will help to ensure the health and wellbeing of the workforce
Fair process for staff. Will help to ensure the health and wellbeing of the workforce
Access to Occupational Health services for all employees of DCC

Unintended negative consequences identified:

Can be an emotive situation for those involved in an employee relation process

Mitigating actions:

Minimise the negatives by having a fair and consistent process in place

A more equal Denbighshire

Overall Impact:	Positive
Justification for Impact:	Having a policy in place to potentially appeal against dismissal gives people the opportunity to remain in employment and reduce their risk of poverty

Positive consequences identified:

Fair and consistent process for all

Having a policy in place to potentially appeal against dismissal gives people the opportunity to remain in employment and reduce their risk of poverty

Unintended negative consequences identified:

May be a lack of understanding of the policy by some groups. Potential language barrier. Lack of accessibility in different format

Mitigating actions:

A Denbighshire of cohesive communities

Overall Impact:	Neutral
Justification for Impact:	appeals policy has no impact on communities

Positive consequences identified:

Unintended negative consequences identified:

Mitigating actions:

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact:	Positive
Justification for Impact:	Bilingual policy and supporting documents. Opportunity to go through the process in preferred language

Positive consequences identified:

Bilingual policy and supporting documents. Opportunity to go through the process in preferred language
Bilingual policy and supporting documents. Opportunity to go through the process in preferred language

Unintended negative consequences identified:

Limited availability of Welsh speakers

Mitigating actions:

by providing Welsh courses to staff - increases the number of Welsh speakers

A globally responsible Denbighshire

Overall Impact:	Positive
Justification for Impact:	Ensuring fair employment practices for our workforce and sharing good practice with the rest of the county and wider

Positive consequences identified:

Ensuring fair employment practices for our workforce and sharing good practice with the rest of the county and wider

Unintended negative consequences identified:

Mitigating actions:

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LOCAL GOVERNMENT PENSION SCHEME DISCRETIONS AND BANDING POLICY

This document is subject to the policy statement included in the Employee Handbook

To view FAQs click [here](#)

To provide feedback on this document please click [here](#)

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<i>Date agreed & Implemented:</i>	
<i>Agreed by:</i>	
<i>Review date:</i>	
<i>Frequency:</i>	

<i>Ver</i>	<i>Status</i>	<i>Date</i>	<i>Reason for Change</i>	<i>Authorised</i>
V1	Agreed	01/04/14	New Regulations 01/04/14	Sophie Vaughan
V1.2		10/08/17	Review	Sophie Vaughan

Version	Date	Amendment
V1.2	22/06/18	<ul style="list-style-type: none">Changes in accordance with LGPS (Amendment) Regulations 2018 to deferred members accessing their pensions without consent from former employers with actuarial reductions being applied when necessary

1. What is this policy?

2. Contribution Banding Process

~~3. Awarding Additional Pension~~

4. Flexible Retirement

5. Early Payment of Pension Benefits at the Request of the Employee

6. Shared Additional Voluntary Contributions

7. 85 Year Rule

8. Transfer of Pension Rights

~~9. Active Council Members and Pre 1.04.08 Scheme Leavers~~

10. Definitions

1. What is this Policy?

Discretions Policy

The regulations of the Local Government Pension Scheme require every employer, under Regulation 60(1) of the LGPS (Administration) Regulations 2013 and Regulation 66(1) of the LGPS (Administration) Regulations 2007 to:

- (i) issue a written policy statement on how it will exercise the various discretions provided by the scheme,
- (ii) keep it under review and
- (iii) revise it as necessary.

This document meets these requirements stating the regulation requirement and the organisation decision on these.

These discretions are subject to change, either in line with any change in regulations or by due consideration by the Authority. These provisions do not confer any contractual rights.

2. Contribution Banding Process

Denbighshire County Council will determine the employee's pensionable pay contribution banding on the 1st April each year in accordance with Regulation 9(3) of the LGPS Regulations 2013.

Each April contribution banding will be allocated as follows:

- Current Relief / Casual Employees band allocation will be based on their actual pensionable earnings from the previous financial year.
- Current employees will be allocated by their contractual salary on the 1st April and will include additional hours worked in the previous financial year. This will be annualised for staff who do not have a whole years' service.
- New starters after April will be allocated by their contractual salary and relief / casual will be allocated to the lowest band. (currently 5.5%)
- Employees who participate in a salary sacrifice scheme that is not recognised by the Local Government Pension Scheme (e.g. Car Sacrifice Schemes) will have their contributions calculated on their reduced salary. Childcare Vouchers, **Salary Sacrifice Shared Cost Additional Voluntary Contributions** or Cycle to Work are not affected as they are currently recognised by Local Government Pension Scheme.

Details of the percentages and salary band ranges that decide the pension contributions that members pay can be found on the Pay & Reward Intranet Page.

~~3. LGPS Regulations 2013, Regulation 31 – Awarding Additional Pension~~

~~This regulation allows an employer to resolve to award a member additional pension of not more than £6500 a year payable from the same date as his / her pension is payable under any other provisions of the Regulations.~~

~~The Council can augment a members service made redundant/retiring in the interest of efficiency on or before the 31st March 2014.~~

~~The employees have 6 months to make this request and the discretion is deleted on 30th September 2014.~~

Statement of Policy

~~Denbighshire County Council will not award additional pension nor augment service for leavers prior to 31st March 2014.~~

Review – ~~The Council may review its policy at any time.~~

4. LGPS Regulations 2013 Regulation 30(6) 30(8) – Flexible Retirement

A member of the pension scheme who has attained the age of 55 and with his/her employer's consent, reduces the hours he / she works, or the grade in which he/she is employed, may make a request in writing to the Pension Fund to receive all or part of his/her benefits under the Benefits Regulations. However, payment of the benefits cannot be made without the employer's consent.

If the benefits are reduced in accordance with guidance issued by the Government Actuary, the employer may agree to waive, in whole or in part, any such reduction.

Statement of Policy

Any employee request for flexible retirement will be considered on a case by case basis on its own merits following full consideration of all financial and service delivery implications. The reduction should be a minimum of 20% of their current salary and the employee must retire fully within 2 years of taking flexible retirement.

Denbighshire has the discretion to waive in full or in part any employee actuarial reductions. Where there is a capital cost to the employer it is unlikely that the request will be agreed unless these costs can be offset by financial savings. Each case will be decided based upon its individual merits.

This does not preclude younger employees under 55 years of age requesting flexible working but without the payment of their retirement benefits.

Review - The Council may review its policy at any time.

5. LGPS (Benefits, Membership and Contributions) Regulations 2013 Regulation 30(5), 30(8), ~~30A(3)? and 30(2)~~ - Early Payment of Pension Benefits at the Request of the Employee.

When a member of the pension scheme leaves employment before he/she is entitled to the immediate payment of retirement benefits, once he/she has attained the age of 55 he/ she may choose to receive payment of them immediately without consent from his/her employer, and their retirement benefits will be actuarially reduced.

If the benefits are reduced in accordance with guidance issued by the Government Actuary, the employer may agree to waive, in whole or in part, any such reduction on compassionate grounds.

~~The Council will consider former employees (deferred members before April 2014) who are over the age of 55 and who request access to their retirement benefits, if there is no cost to the employer and they can demonstrate they meet the criteria of compassionate grounds which is determined by the HR Manager~~

The Council can grant an application for early payment of a suspended tier 3 ill health pension on or after age 55 and before age 60 made under regulation 30A(3)

Statement of Policy

It is the policy of Denbighshire County Council to consider each case to waive ~~any reduction of benefits of early release of pension~~ on its own merits:-

~~(i) If there is no cost to Denbighshire County Council and the benefits are actuarially reduced and;~~

(ii) If there are compelling, compassionate* reasons to do so and;

~~If Denbighshire County Council agrees to permit early release of deferred benefits for reasons other than compassionate grounds,~~ Any actuarial reduction will be applied to the person's accrued pension benefits to take account of the fact that the benefits are being paid early.

~~Denbighshire County Council will not waive any actuarial reduction for early payment on compassionate grounds~~

Review - The Council may review its policy at any time

6. LGPS Regulations 2013 Regulation 17 (1) – Shared Additional Voluntary Contributions

Where the member's employing authority contributes to the scheme, the additional voluntary contributions arrangement is to be known as a shared cost additional voluntary contributions arrangement and contributions to it as "SCAVCs".

Statement of Policy

Denbighshire County Council will not contribute towards a shared cost additional voluntary contributions scheme.

Review - The Council may review its policy at any time.

7. Amended LGPS (Transitional Provisions, Savings and Amendment) Regulations 2018 2014, Schedule 2 – 85 Year Rule

"The '85 Year Rule', where members whose age plus length of membership in the current and earlier schemes is equal to 85 years or more can be activated for individual members prior to age 60. In the case of Early Retirement, the cost of which can be waived in full or in part, by the employer.

It provides that members between the ages of 55 and 59 who choose to take early pension under the 1997 and 2007 Regulations, may also benefit from the 'rule of 85' with their employer's consent."

Statement of Policy

Denbighshire County Council has the discretion to waive reductions in full, or in part, and will consider each case on its own merits with a full business case to be approved by the Head of Service, Head of Finance and Head of Legal, HR and Democratic Services.

Review - The Council may review its policy at any time.

8. LGPS Regulations 2013 Regulation 100(6) – Transfer of Pension Rights

If a scheme member wishes to transfer a previous pension benefits into the LGPS he/she must opt to do so within 12 months of joining the LGPS or such longer period as the employer may allow.

Statement of Policy

Denbighshire County Council will not consider extending the time limit for a transfer in of previous pension rights which is more than twelve months after joining.

9. Local Government Pension Scheme Regulations 1997 (as amended) in relation to active councillor members and pre 1.4.08 scheme leavers. Regulation 31 (2), 31(5) & 31(7A)

The Council can allow a post 31/3/98 or pre 1/4/08 leaver the option to request early payment of benefits on or after age 50/55 and before age 60 which will be considered on a case-by-case basis.

The Council can allow a councillor member the option to request early payment of benefits on or after age 50/55 and before age 60 which will be considered on a case-by-case basis

With regard to the early payment of benefits made in accordance with Regulation 31 (2) the Council could waive the actuarial reduction of benefits, under 31(5) if there are compelling compassionate* reasons to do so.

Any early payment of benefits between age 50/55 may also be subject to an unauthorised payments charge, an unauthorised payments surcharge under the Finance Act 2006 and a scheme sanction charge, these charges are in addition to any actuarial reductions.

Councillor optants out and pre 1/4/08 employee optants out can request payment of benefits at normal retirement date.

Statement of Policy

It is the policy of Denbighshire County Council to consider each case of to agree to early release of pension only if early release of pension on its own merits:-

(i) If there is no cost to Denbighshire County Council and the benefits are actuarially reduced, and;

(ii) If there are compelling, compassionate* reasons to do so.

10. Definitions

*Definition of compelling, compassionate reasons:

(i) The member can clearly demonstrate that they have a dependent, who is in need of the member's constant supervision due to a long term illness and as a result the member is suffering from severe financial hardship OR

(ii) There is another substantial reason (not relating to caring for an ill dependant) where the member can demonstrate that they are facing very severe, on-going financial hardship and will be doing so on a long term basis.

In exceptional circumstances, and only with the prior approval of Denbighshire County Council, the Council may vary the terms of this policy on an individual basis, and consider each case on its merits. The list is subject to statute, regulations and Denbighshire County Council policy. It may be varied in the future as necessary. Each discretion will be dealt with independently.

Pay & Reward Policies

Wellbeing Impact Assessment Report

This report summarises the likely impact of a proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	358
Brief description:	The application of Pay & reward Policies -Travel Policy - Acting Up, Honoraria and Ex Gratia Policy - Early Termination of Employment Policy - Flexible Retirement Policy - LGPS Discretions & Banding Policy - Standby, Oncall and Sleeping In Policy - Market Supplement Policy - Model School Pay Policy - Pay Policy Statement
Date Completed:	09/01/2018 15:30:59 Version: 1
Completed by:	Sophie Vaughan
Responsible Service:	Legal, HR & Democratic Services
Localities affected by the proposal:	Whole County,

IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

Score for the sustainability of the approach

Could you do more to make your approach more sustainable?

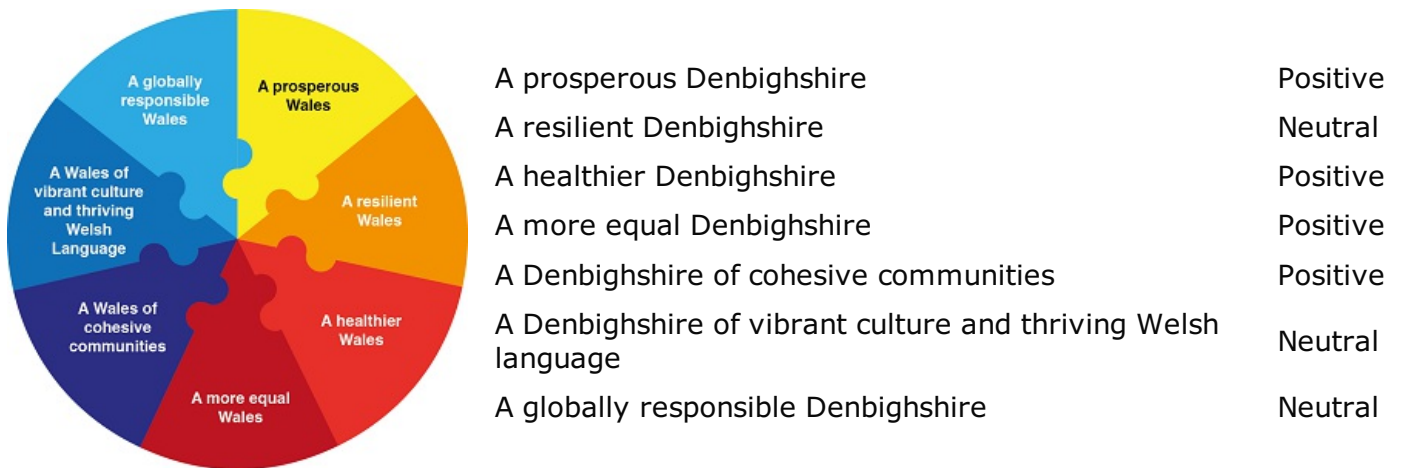


(2 out of 4 stars)

Actual score : 16 / 24.

Summary of impact

Wellbeing Goals



Main conclusions

That fair and equitable Pay and Reward Policies contribute to the Wellbeing of our communities

THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

A prosperous Denbighshire

Overall Impact	Positive
Justification for impact	As above

Positive consequences identified:

Travel and Subsistence Policy encourages use of pool cars, car sharing and alternative methods of holding meeting (Jabber, Webcam, Skype) Encourages home working rather than travel. This in turn reduces the carbon footprint of the County.

Providing policies that allow for competitive rates of pay and employment practices encourage employees who reside in Denbighshire to stay in the local area, which will keep the money in the County and improve the economy and attract new businesses. This will also attract and retain people from other areas to work and live in the County

Pay and Reward Policies provide a means of attracting and retaining staff for the long term by providing fair and equitable employment

Unintended negative consequences identified:

The encouragement of alternative methods of travel i.e. buses, could mean that we are less time efficient as a Council. Home working can mean that there is less spend in local petrol stations Home working also means that there is less local spend in the towns where offices are located i.e. lunches

Restrictions in the budget of DCC mean that the favourable terms and conditions mean that we can employ less staff than and potentially cheaper to contract out to employers

Mitigating actions:

By minimising the negatives this can negatively impact the positives and vice versa.

A resilient Denbighshire

Overall Impact	Neutral
Justification for impact	As above

Positive consequences identified:

By encouraging different methods of transport for meetings, such as pool cars, buses, car share and alternative ways of meeting such as jabber, skype etc, the fuel consumption of the County will reduce. Also the energy used in the Council offices.

Unintended negative consequences identified:

Less spend in local petrol stations, which impacts on the economy. Use of power in employees homes may increase due to increased home working

Mitigating actions:

None Applicable

A healthier Denbighshire

Overall Impact	Positive
Justification for impact	As above

Positive consequences identified:

By providing fair pay enables people to invest in their physical and mental wellbeing, through diet and exercise and social interaction through work.

By providing fair pay it allows employees to access and choose to purchase good quality, healthy food.

By providing fair pay and the opportunities to manage work life balance through Flexible Retirement, employees can choose to go to the gym or partake in other leisure and social activities

By providing fair pay enables people to invest in their mental wellbeing, through financial wellbeing, diet and exercise and social interaction through work.

By working some employees may choose to take on private medical insurance

Unintended negative consequences identified:

The use of disposable income could be used for risk taking behaviours

The use of disposable income could be used for purchasing unhealthy food e.g. take away restaurants

The use of disposable income could be used for risk taking behaviours

Mitigating actions:

Our risk is people making poor decisions, which could be tackled through education of employees

A more equal Denbighshire

Overall Impact	Positive
Justification for impact	As above

Positive consequences identified:

All Pay and Reward policies are written to comply with equality legislation

Providing fair terms and conditions and pay in employment and good pension can assist in addressing health inequalities in the area over the long term

Providing fair terms and conditions and pay in employment and good pension can assist in tackling poverty in the area over the long term

Unintended negative consequences identified:

Mitigating actions:

None Applicable

Overall Impact	Positive
Justification for impact	As Above

Positive consequences identified:

If poverty is reduced by fair pay, then this will have a positive impact on communities and individuals by making them safer

Fair pay policies could increase the amount of disposable income being spent in the area, which could mean businesses are more attracted to the area reducing empty buildings etc.

Unintended negative consequences identified:

Mitigating actions:

Not Applicable

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	N/A

Positive consequences identified:

Unintended negative consequences identified:

Mitigating actions:

N/A

A globally responsible Denbighshire

Overall Impact	Neutral
Justification for impact	N/A

Positive consequences identified:

Unintended negative consequences identified:

Mitigating actions:

N/A

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Policy -Standby, On- call and Sleeping-in Arrangements v2.3

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Policy – Standby, On-call and Sleeping in Arrangements

Policy approved by	Date approved	Date implemented	Policy owner	Review date
Full council	06/01/13	03/12/14		3/12/18

Prior to contacting Human Resources regarding the content of this policy, it is recommended that you refer to the most up to date version on the intranet and the relevant guides.

As is the case with all intranet documents, this policy is subject to regular review due to legislative and policy changes. The latest versions of all Human Resource documents can be found on the HR intranet pages.

Version No.	Date approved	Approved by	Amendment
v1.0	06/01/13	Sophie Vaughan	Clarification on session length. FAQs expanded upon
v1.1	03/12/14	Sophie Vaughan	Increase in Sleep In Rate. Clarification on session length
V2.0	15/01/15	Catrin Roberts	Further clarity around Sleep In rate
V2.1	30/03/16	Sophie Vaughan	In line with National Living Wage
V2.2	25/10/17	Andrea Malam	Reformatting
V2.3	14/12/17	Sophie Vaughan	Amendments to SB7 and update rates

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ROLES AND RESPONSIBILITIES

Line Managers:

To ensure that employees are awarded the correct and appropriate rate in accordance with the disturbance and duties they undertake whilst on Standby, Call Out or Sleeping In

HR and Pay and Reward Specialist:

To provide advice, guidance and regularly review Stand by, Call Out and Sleep In Payments to ensure that the policy is fairly and equitably applied across the council.

1. When is this policy appropriate and how should it be applied?

2. Definition of Stand by, Responsibilities and Payment

3. Definition of Call Out, Responsibilities and Payment

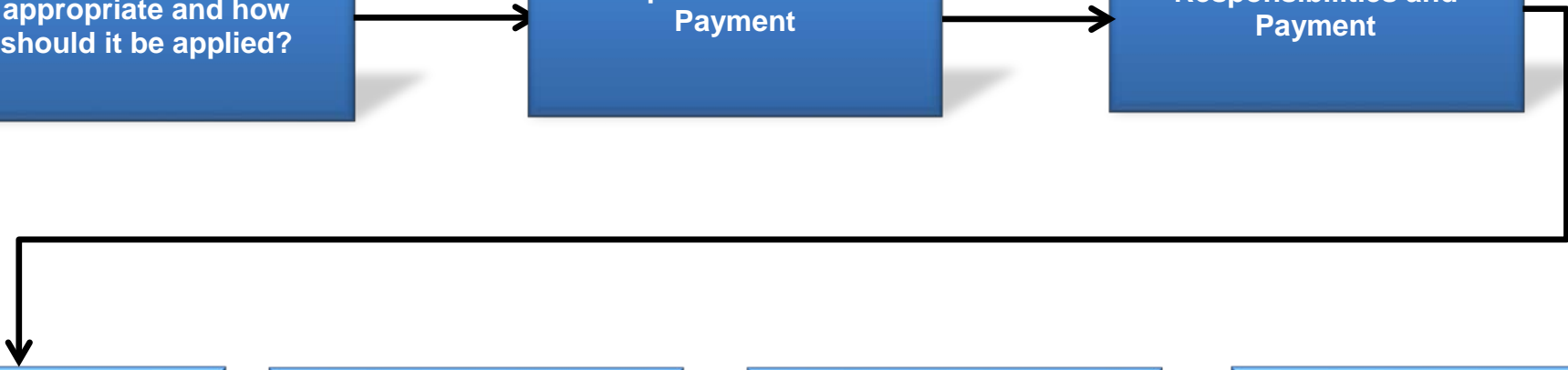
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4. Definition of Sleeping In, Responsibilities and Payment

5. Contractual Arrangements

6. Options for Contractual Status

7. Stand by Payment Categories



1. When is this policy appropriate and how should it be applied?

Denbighshire County Council recognises that the world of work has changed considerably in recent years and can no longer be considered a 9 a.m. to 5 p.m. operation. Some local government services in any case **must** be available outside these hours, or even on a 24 hours basis, due to client requirements or the need to safeguard community health and safety.

There are a series of different options of Stand by Payments set corporately, available to employing departments to use which can be found in Section 7.

Depending upon the exact nature of the post, the employing department would then be able to choose from the options in Section 7 and apply the one that is the most appropriate to their circumstances.

In order to ensure that equal pay considerations are not compromised, Section 7 details set criteria for which options are appropriate in which circumstances. Departments will not be able to create 'new options' without joint corporate agreement to varying the policy, i.e. the available options are to be controlled centrally.

2. Definition of Standby, Responsibilities and Payment

Standby rotas enable a pool of staff to be established who are able to respond to a variety of service requirements outside their normal office hours at relatively short notice. Compensation packages for standby and call-out will reflect the diversity of these requirements and arrangements.

Responsibilities of Employees on Standby

There is a requirement for an employee 'on standby' to be 'ready at all times for duty' outside of their normal office/operational hours for a specific occasion or time, or over a period of time.

The employee must be contactable by landline, mobile or pager as appropriate, during the period of standby. Should the need arise, they must be available for duty and prepared and able to carry it out from home or a location outside work or attend work or other location as appropriate. They must therefore stay within easy travelling distance of any location at which they may reasonably be required to attend.

Carrying out any duties while on standby will be in accordance with the normal rules, disciplines and conventions of attending work. This includes being in a fit and sober condition in line with local applicable policies on alcohol and driving

Payment

Payment for being on standby should reflect the actual level of inconvenience or disruption to the employees' normal home life that is incurred in the particular circumstances of each service's requirements. This will include:

- i) Any restriction on the employees' location or movement during periods of standby
- ii) The actual period spent undertaking standby duties
- iii) When standby takes place (e.g. weekends, rest period, and bank holidays may attract enhanced rates)

Details of payment method are included in Section 7. The payment will include a minimum of 30 minutes working time.

The length of a session is dependent on the service that you work in and will be clarified by your Manager. Normally a full session will up to 16 hours, the normal period of time that the office is closed for. If the period of standby is less than 8 hours then the payment will be halved accordingly.

Equipment

Employees required to be contactable outside of their normal place of work will be given a mobile phone. In exceptional circumstances, the council will pay towards the landline rental at the rate for a standard BT landline.

The cost of any work related calls made on the employee's landline will be reimbursed for the actual cost of the call.

The principle of Single Status will apply in the supply of such equipment so that employees are treated equally on the basis of the organisation's requirements for carrying out standby duty.

Contractual Arrangements

Standby arrangements may be contractual or voluntary. However, where statutory obligations are being fulfilled or emergency situations responded to the principle should generally be that relevant employees are contractually required to participate in appropriate periods of standby duty. This would apply to:

- Building Control Officers
- Highways employees re Winter Maintenance
- Emergency Planning Officers
- Homelessness Officers

- Environmental Health Officers
- Adult Services
- Animal Health Officers

Implementation

Contractual status will be implemented for all new employees and for existing employees where it is already a contractual requirement. Where standby duties are currently undertaken on a voluntary basis, this will only change to be contractual if the employee agrees. Otherwise it will remain as a voluntary arrangement.

Consideration should be given for changes in personal circumstances which may affect an employee's ability to carry out standby duties.

Last Minute Standby Arrangements

While standby rotas will generally be set up in advance, there will still need to be flexibility to deal with unexpected situations. On occasions last minute standby arrangements may need to be put in place for example in emergencies, or in connection with project go-live dates.

3. Definition of Call Out, Responsibilities and Payment

An employee will be considered to have been 'called out' if they are called upon to return to work to undertake any work either during a period of standby or not. This work may be undertaken through:

- Attendance at a place of work
- Attendance at an alternative location
- Carrying out work from home (e.g. by giving advice over the 'phone or logging in to systems remotely)
- Carrying out work at any other location (e.g. by giving advice over the 'phone)
- Making arrangements for others to attend or otherwise deal with an issue

Responsibilities of Employees Called Out

If an employee on formal standby is required to undertake any work during this period, they will be expected to be able to undertake the normal range of duties commensurate with their post, along with any other duties as necessary and appropriate.

Carrying out duties will be in accordance with the normal rules, disciplines and conventions of attending work. This includes being in a fit and sober condition in line with local applicable policies on alcohol and driving.

Payment

Standby allowances will include up to 30 minutes “working time” during the stand by period.

Payments will be paid as overtime pay for a guaranteed minimum of 2 hours in accordance with SB5 in the payment table.

If an employee is called out again within the 2 hour period, then this will be classed as one call out. If an employee has returned home from one call out and receives a subsequent call out after the expiry of the two hour period, this will be classed as a new call out and the employee will receive another minimum payment of 2 hours.

However, employees experiencing multiple call-outs in one period of standby should not receive a payment higher than they would have had if they had worked continuously for the same period of time.

Travelling Time and Costs

All travelling time will be covered within the call out period. Call out will commence when the employee leaves home to when they return home.

Travel costs will be reimbursed via the usual mileage rate.

Rest Periods

The Working Time Regulations 1998 include limits on maximum hours worked and specify minimum rest periods following a period of duty. Rest periods for staff which are called out must conform to the guidelines of the Working Time Regulations and in accordance effective Health and Safety practice. They may also vary according to:

- The time of day or night that the employee is called out
- The length of the call out(s)
- The number of call outs
- The extent of disruption to continuous sleep

Further information on rest periods can be found using the following internet links <https://www.gov.uk/maximum-weekly-working-hours> and <https://www.gov.uk/drivers-hours>.

4. Definition of Sleeping In, Responsibilities and Payment

Staff may be required to 'sleep in' at clients or work establishments in order to be immediately on hand should a situation arise that requires their attention.

Responsibilities of Employees' 'Sleeping in'.

There is a requirement for an employee 'sleeping in' to be ready for duty (when woken, if asleep) whenever the need arises during the specified period.

The officer will be required to be able to undertake the full range of their normal duties, along with any others that are necessary and appropriate.

Carrying out 'sleeping in' duty will be in accordance with the normal rules, disciplines and conventions of attending work. This includes being in a fit and sober condition in line with local applicable policies on alcohol and driving.

Payment

Payment for 'sleeping in' aims to compensate for:

- i) The disruption to the employees' normal home life that is incurred in having to be away from home; and
- ii) The disruption to a normal night's sleep that is incurred or is likely to be incurred within the particular establishment

Payment will be a fixed allowance of £57.60 based on an 8 hour sleep in session (to increase in line with the national living wage rates). This will be the same for all persons who undertake the duty, regardless of their basic pay rate. If an employee works a session different to 8 hours then the payment will be increased or decreased accordingly e.g. 10 hours x £6.50 = £65.00 per session. Please ensure payroll are informed if this is the case. A session will include up to 30 minutes "work time".

If the disturbance results in an employee supporting a service user for more than 3 hours (aggregate) then the whole sleep in period becomes a waking night and will be paid at the contractual hourly rate, which then replaces the sleep in rate.

Rest Periods

The Working Time Regulations 1998 include limits on maximum hours worked and specify minimum rest periods following a period of duty. Periods of time asleep when on 'sleeping in' duty count as working time under the directive. Rest periods for staff which are 'sleeping in' must conform to the guidelines of the Working Time Regulations and in accordance with effective Health and Safety practice. They may also vary according to:

- The time of day or night that the employee is required to undertake duties during the 'sleep in' period
- The total length of time that the employee is required to undertake duties during the 'sleep in' period
- The number of times that the employee is required to undertake duties during the 'sleep in' period
- The extent of disruption to continuous sleep

Further information on rest periods can be found using the following internet link <https://www.gov.uk/maximum-weekly-working-hours>.

5. Contractual Arrangements

It is envisaged that job descriptions will explicitly state what type of standby duties have to be performed, and what category of payment is to be applied. Contracts will have to be explicit about whether these arrangements are contractually binding (see Section 6 for more information).

Similar rules should also apply to overtime duties

Contractual status will be implemented for all new employees and for existing employees where it is already a contractual requirement. Where standby duties are currently undertaken on a voluntary basis, this will only change to be contractual if the employee agrees. Otherwise it will remain as a voluntary arrangement.

Consideration should be given for changes in personal circumstances which may affect an employee's ability to carry out standby duties.

6. Options for Contractual Status

The employing department would need to specify which category the duties fall into.

OPTIONS FOR CONTRACTUAL STATUS (of Standby / Availability Duty)		
REF	DESCRIPTION	EXAMPLES
C1: Mutually binding	Where the employee is contracted to provide set amounts of standby provision, and the Council is contracted to (always) provide payment for these standby duties. PAID (in full) WHEN OFF-SICK OR ON -LEAVE	Examples of where this might be used include; Areas where the council and the employee as part of their duties are obliged to provide statutory services outside of their normal work hours (e.g. certain posts in Adult Services where they are required to standby in line with statutory obligations)
C2: Unilaterally binding	Where the employee is contracted to participate in standby arrangements as/when the employer REQUIRES them to do so, i.e. under the general circumstances referred to in the appointment letter or contract of employment. PAID (in full) WHEN OFF-SICK OR ON -LEAVE	Examples of where this might be used include; Areas where the council is obliged to provide statutory services outside their normal work hours, (e.g. highways workers who are required to standby for winter maintenance activities or social services employees who are required to standby in order to attend to clients' needs).
C3: Mutually voluntary	Where the Council can seek volunteers for standby duty, and employees are permitted to volunteer their services. NOT PAID WHEN OFF-SICK OR ON -LEAVE	Either party can withdraw from the arrangements by giving reasonable notice. However, volunteers will normally offer their services for prescribed 'tours of duty', which they will then be expected to complete.

7. Stand by Payment Categories

WORK CATEGORIES

The employing department would need to specify which category the duties fall into.

DESCRIPTION / CRITERIA	DUTIES (to be reflected in payment system chosen)	Suggested payment types
<p>SB1: 'Listed'</p> <ul style="list-style-type: none"> When somebody's telephone number is listed as a possible contact, but there is no duty to 'remain contactable' <p>Most weeks the on call person would not expect to receive any calls.</p> <p>There will be occasional, short term or ad hoc circumstances where an informal standby arrangement may be considered appropriate.</p>	<p>If any calls were to be received – they would have to be dealt with, including passing on any messages/work instructions to others.</p> <ul style="list-style-type: none"> Decide to attend work or other location if necessary and / or Decide if there is a need for someone else to attend work or other location, either instead, or in addition to them; Contact any additional employees if necessary and agreed with Contact Officer Clearly instruct or agree with the 'Contacting Officer' the action being / to be taken, including that the 'Contacting Officer' makes arrangements for someone else to deal with the matter entirely. In an informal standby arrangement the responsibility for making alternative arrangements will rest with the Contacting 	<p>NONE - should be a requirement of the general contract of employment.</p>

	Officer where the employee is unavailable or unable to respond.	
<p>SB2: 'Contactable'</p> <ul style="list-style-type: none"> When somebody has to be 'contactable' by telephone during their period of duty, but there is generally very little disruption during out of hours periods Most weeks the on call person would not expect to receive any calls. Will not be expected to take action as a result of the call 	<p>As above –plus:</p> <ul style="list-style-type: none"> They are required to be 'contactable' whilst on their specified 'tour of duty'. They can expect to be contacted on occasions, but most weeks they would not receive any calls. 	<ul style="list-style-type: none"> £10.52 per session (normally 12-16 hours) (regardless of normal grade) Only paid for the weeks when the duty is required to be performed Include up to 30 minutes "work time"
<p>SB3: 'On-Standby'</p> <ul style="list-style-type: none"> When somebody has to be 'contactable' and they expect to receive several calls per week. <p>Higher level of calls than SB2 Likely to have to take some action as a result Unlikely to be called into work</p>	<p>As above - plus:</p> <ul style="list-style-type: none"> Most weeks the on call person would expect to receive (and deal with) several calls. 	<ul style="list-style-type: none"> £21.06 per session (normally 12-16 hours)(regardless of normal grade) Only paid for the weeks when the duty is undertaken Include up to 30 minutes "work time"
<p>SB4: 'Standby – with actions'</p> <ul style="list-style-type: none"> When somebody has to be 'contactable', they expect to receive calls that will have to be dealt with. Most weeks the on call person would expect to receive several calls. Are likely to be called into work 	<p>As above, plus:</p> <ul style="list-style-type: none"> The person on standby is expected to perform certain planned actions whilst not in work (e.g. taking operational decisions based on weather conditions etc.) 	<ul style="list-style-type: none"> £26.32 per session (normally 12-16 hours)(regardless of normal grade) Only paid for the weeks when the duty is undertaken Include up to 30 minutes "work time"
<p>SB5: Call Out</p> <ul style="list-style-type: none"> Employees required to return to work whether or not they were already on a period of standby 	<ul style="list-style-type: none"> Attendance at a place of work Attendance at an alternative location Carrying out work from home (e.g. by giving advice over the 'phone or logging in to systems remotely) 	<ul style="list-style-type: none"> Payments will be paid as overtime pay for a guaranteed minimum of 2 hours. If an employee is called out again within the 2 hour period, then this will be classed as one call out. If an employee has returned home from one call out and receives a subsequent call out

	<ul style="list-style-type: none"> • Carrying out work at any other location (e.g. by giving advice over the 'phone) • Making arrangements for others to attend or otherwise deal with an issue 	<p>after the expiry of the two hour period, this will be classed a new call out and the employee will receive another minimum payment of 2 hours.</p> <p>However, employees experiencing multiple call-outs in one period of standby should not receive a payment higher than they would have had if they had worked continuously for the same period of time.</p>
<p>SB6: Sleeping-In arrangements</p> <ul style="list-style-type: none"> • Employees required to sleep on the premises 	<ul style="list-style-type: none"> • There is a requirement for an employee 'sleeping in' to be ready for duty (when woken, if asleep) whenever the need arises during the specified period. • The requirements of the working time directive need to be considered 	<ul style="list-style-type: none"> • Payment will be a fixed allowance of £60.00 based on a 8 hour sleep in (to increase in line with the national living wage) same for all persons who undertake the duty (regardless of their basic pay rate. If different to 8 hours then the payment will be increased or decreased accordingly e.g. 10 hours x £7.50 = .£75.00 per session. Please ensure payroll are informed if this is the case. • Only paid for the nights when the duty is required to be performed • Include up to 30 minutes "work time"
<p>SB7: Stand-by (Winter Maintenance Actions)</p> <ul style="list-style-type: none"> • Persons on winter maintenance rotas and expected to return to work at short notice. 	<ul style="list-style-type: none"> • The person on stand-by is expected to attend the depot and carry out designated winter maintenance duties. 	<ul style="list-style-type: none"> • £15.00 per session (normally 12-16 hours) (Monday – Friday) • £22.50 per session (normally 12-16 hours) (Saturday and Sunday and bank holidays) • Only paid for the period on Retrospectively payments of SB4 instead of SB7 will be paid in the following circumstances: <ul style="list-style-type: none"> - When "No Action" has been posted by the Duty Forecaster for call out in the morning shift (11:00pm until 07:00am) and then subsequently reverses the original decision and calls the operatives to attend the depots - If an "Action" has been called and subsequently cancelled and then, in the same shift, re-instated and the men called back to the depot rota.

Frequently Asked Questions (FAQs)

Are standby arrangements contractual or voluntary?

Some standby arrangements are contractual and will be included in your Statement of Terms & Conditions, or will be an implied term due to the length of time you have been undertaking standby duties. Where standby is contractual you will be expected to undertake the duties in accordance with your contract.

In other cases, standby arrangements will be voluntary where your manager will ask the team for volunteers to undertake the duties. You as an employee would have the right not to undertake the standby duties.

I am on Standby, if I get 'called out', what is the expected duration of the call-out, and what happens if I work beyond the expected call out duration?

It is impossible to predict how long a call out duration will be. However, you will be paid call out (SB5), which is a minimum of 2 hours pay at overtime rate in accordance with your grade regardless of whether the call out is less than 2 hours. Should you work over the two hours call-out you will be paid for any additional time accrued at overtime rate in accordance with your grade.

I have been called out multiple times within a two hour period, will I get paid for each call out, or will this be classed as just one call out?

If you are called out again within the 2 hour period, then it will be classed as one call out.

If you have returned home from one call out and receive a subsequent call out after the expiry of the two hour period, this will be classed a new call out and you will receive another minimum payment of 2 hours.

However, if you experience multiple call-outs in one period of standby you should not receive a payment higher than you would have had if you had worked continuously for the same period of time.

If I have to travel during a call out, can I reclaim this?

Yes, any mileage costs are to be reclaimed via the normal process unless you are using a council vehicle.

My personal circumstances have changed, can this be considered when being requested to carrying out standby duties?

If you are unable to undertake standby duties, then you must speak to your manager immediately. If it is a contractual arrangement then the manager will need to look to see whether the requirement to undertake standby duties can be removed.

There is an expectation within my department that employees are on standby and sometimes called out, but it's not in my contract, so can I refuse?

This depends on whether it has been normal practice for you to undertake standby duties and therefore the requirement has become an implied term to your contract. This means that although it not included within your contract, custom and practice means that it expected by both parties and therefore becomes contractual.

Rather than refuse it would be more beneficial to speak to your manager to see what arrangements can be agreed.

How do I receive payment for being called out?

You will need to complete a Standby/Call Out Timesheet and submit to Payroll on a monthly basis. Timesheets are available from your Manager or the Payroll Department.

Are Stand by Payments Superannuable?

If you participate in a Stand by rota that is contractual then your standby payments and any call outs relating to that stand by period are superannuable or Pensionable.

Should you be in a voluntary stand by arrangement then any payments as a result of the stand by rota would not be superannuable, although this is set to change in April, 2014 when the Local Government Pensions Regulations change and non-contractual overtime and payments become superannuable/pensionable.

What happens if I keep getting disturbed during my Sleep In?

If you are disturbed and the total time disturbed totals 3 hours or more (not including the 30 minutes work included in the Sleep In payment) then the Sleep In will be classed and paid as a waking night shift and you will be paid in accordance with your normal contractual hourly rate.

How long is a Standby Session?

The length of a session is dependent on the service that you work in and will be clarified by your Manager. Normally a full session will up to 16 hours, the normal period of time that the office is closed for. If the period of standby is less than 8 hours then the payment will be halved accordingly.

What will I get paid if I am on Standby on a Bank Holiday?

You will receive the normal standby rate (i.e. SB1- SB4), but should you be disturbed during the standby session beyond the 30 minutes working time, SB5 will receive in addition to your normal hourly rate of pay, plain time for any hours worked. In addition, at a later date, time off with pay will be allowed for the hours worked.

TAKING PERSONAL DATA OFF COUNCIL PREMISES POLICY

Denbighshire County Council (DCC) officers may need to take personal data out of the office. The purpose of this policy is to set out the steps to be followed by officers when taking personal data offsite, for example, to conduct home visits, attend meetings, panels or court, or to work from home. Following this policy will help to reduce the risk of a security breach involving personal data and any subsequent fine.

For ease of reference, throughout this policy, the term 'personal data' includes 'sensitive personal data'.

Circumstances in which personal data can be taken off site

In order to ensure the security of the information, and the safety and welfare of the service user, the following points must be complied with:

- Personal data should only be taken off DCC premises when absolutely necessary and for the shortest possible time.
- Only the absolute minimum amount of personal data is to be taken out of the office. Relevant papers should be removed from the file where this is possible rather than the entire file being taken.
- Where a substantial amount of personal data is to be taken off site, then the officer must have approval from his/her line manager.
- Preference should always be given to accessing personal data remotely using digital means rather than taking data off site in other formats, such as on paper. Digital access should be done through CAG access the Council's Systems.
- Where notes have been taken by an officer working off site, they must be written up onto the appropriate Council System as soon as reasonably possible. Once they have been formally written up, the informal notes should be securely destroyed. Please note that all concurrent notes taken during investigation, assessment or proceedings, should be securely destroyed upon completion of proceedings or once a case is closed.

Means and mode of transport

- Alternative secure digital methods should be considered for situations where accessing the Council's Systems remotely is not possible e.g. encrypted memory sticks or DCC issued laptops and iPads.
- Paper records must be transported in a receptacle, which fully closes (locks / zips / clips shut), and which is made of a non-transparent material.

- When transporting paper records on public transport, for example, by bus or train then the records must be kept with the officer and not placed on luggage racks.
- When transporting paper records by a vehicle then these should be stored out of sight in a locked car boot. This also applies to electronic media such as laptops. Officers should remain vigilant when opening car doors, boots, etc. to ensure that records do not fall out of the vehicle or blow away.
- Personal data should not be reviewed or discussed by officers in places where it could be seen, or conversations overheard, by a member of public, for example, on public transport or in cafes.

Working from home

- Care must be taken when working from home to ensure that personal data is not visible to other members of the household and that work related conversations are held out of earshot of other household members.
- Personal data must be stored in the officer's home in a safe place, which is out of sight.
- Personal data must be returned to DCC premises the next time the officer is due in the office.

Information security incidents

If an officer becomes aware of any information security related incident, then the officer must immediately inform his or her line manager who should in turn inform the ICT Servicedesk. DCC's Information Security Breach Procedure will then be followed.

Policy statement

This policy is underpinned by DCC's Information Security Policy.

Failure to adhere to this procedure may be regarded as serious and any breach may render an employee liable to action under the Council's Disciplinary Procedure, which may include dismissal.

Personal Data Policy

Well-being Impact Assessment Report


This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	442
Brief description:	Policy on taking personal data off council premises.
Date Completed:	Version: 0
Completed by:	
Responsible Service:	Business Improvement & Modernisation
Localities affected by the proposal:	Not Applicable,
Who will be affected by the proposal?	Staff
Was this impact assessment completed as a group?	No

IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

Score for the sustainability of the approach

 (2 out of 4 stars) Actual score : 17 / 30.

Implications of the score

Does not really apply to this policy.

Summary of impact

Well-being Goals

A prosperous Denbighshire

A resilient Denbighshire

A healthier Denbighshire

A more equal Denbighshire

A Denbighshire of cohesive communities

A Denbighshire of vibrant culture and thriving Welsh language

A globally responsible Denbighshire

Neutral

Neutral

Neutral

Positive

Neutral

Neutral

Neutral



Main conclusions

The implementation of this policy will not have an impact on well-being goals. The aim of the policy is more about reducing the risk associated with Council staff losing sensitive information.

The Policy was developed with input from the Council's Information Governance Group, which consists of representatives from across each service.

Evidence to support the Well-being Impact Assessment

- We have consulted published research or guides that inform us about the likely impact of the proposal
- We have involved an expert / consulted a group who represent those who may affected by the proposal
- We have engaged with people who will be affected by the proposal

THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

A prosperous Denbighshire

Overall Impact	Neutral
Justification for impact	This particular policy will not have an impact on the local economy
Further actions required	

Positive impacts identified:

A low carbon society	None
Quality communications, infrastructure and transport	None
Economic development	None
Quality skills for the long term	Data protection
Quality jobs for the long term	None
Childcare	None

Negative impacts identified:

A low carbon society	None
Quality communications, infrastructure and transport	None
Economic development	None
Quality skills for the long term	None
Quality jobs for the long term	None
Childcare	None

A resilient Denbighshire

Overall Impact	Neutral
Justification for impact	This particular policy will not have an impact on resilience in Denbighshire
Further actions required	

Positive impacts identified:

Biodiversity and the natural environment	None
Biodiversity in the built environment	None
Reducing waste, reusing and recycling	Reduce paperwork
Reduced energy/fuel consumption	None
People's awareness of the environment and biodiversity	None
Flood risk management	None

Negative impacts identified:

Biodiversity and the natural environment	None
Biodiversity in the built environment	None
Reducing waste, reusing and recycling	None
Reduced energy/fuel consumption	None
People's awareness of the environment and biodiversity	None
Flood risk management	None

A healthier Denbighshire

Overall Impact	Neutral
Justification for impact	This particular policy will not have an impact on the health in the county.
Further actions required	

Positive impacts identified:

A social and physical environment that encourage and support health and well-being	None
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Access to good quality, healthy food	None
People's emotional and mental well-being	None
Access to healthcare	None
Participation in leisure opportunities	None

Negative impacts identified:

A social and physical environment that encourage and support health and well-being	None
Access to good quality, healthy food	None
People's emotional and mental well-being	None
Access to healthcare	None
Participation in leisure opportunities	None

A more equal Denbighshire

Overall Impact	Positive
Justification for impact	The implementation of this Policy should reduce the risk of information about such individuals going missing or lost
Further actions required	

Positive impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation	Reduced risk of information about such individuals going missing or lost
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People who suffer discrimination or disadvantage	Reduced risk of information about such individuals going missing or lost
Areas with poor economic, health or educational outcomes	None
People in poverty	Reduced risk of information about such individuals going missing or lost

Negative impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation	None
People who suffer discrimination or disadvantage	None
Areas with poor economic, health or educational outcomes	None
People in poverty	None

A Denbighshire of cohesive communities

Overall Impact	Neutral
Justification for impact	The implementation of this policy will not have an impact on cohesive communities.
Further actions required	

Positive impacts identified:

Safe communities and individuals	None
Community participation and resilience	None

The attractiveness of the area	None
Connected communities	None

Negative impacts identified:

Safe communities and individuals	None
Community participation and resilience	None
The attractiveness of the area	None
Connected communities	None

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	The implementation of this policy will not have an impact on welsh language
Further actions required	

Positive impacts identified:

People using Welsh	None
Promoting the Welsh language	None
Culture and heritage	None

Negative impacts identified:

People using Welsh	None
Promoting the Welsh language	None
Culture and heritage	None

A globally responsible Denbighshire

Overall Impact	Neutral
Justification for impact	The implementation of this policy should not have an impact
Further actions required	

Positive impacts identified:

Local, national, international supply chains	None
Human rights	Greater protection of sensitive information
Broader service provision in the local area or the region	None

Negative impacts identified:

Local, national, international supply chains	None
Human rights	None
Broader service provision in the local area or the region	None

Report To:	Cabinet
Date of Meeting:	25 September 2018
Lead Member / Officer:	Cllr Julian Thompson-Hill
Report Author:	Richard Weigh, Head of Finance
Title:	Annual Treasury Management Report 2017/18 (Appendix 1)

1 What is the report about?

- 1.1 The report is about the Council's investment and borrowing activity during 2017/18. It also provides details of the economic climate during that time and shows how the Council complied with its Prudential Indicators.
- 1.2 The term 'treasury management' includes the management of the council's borrowing, investments and cash flow. Approximately £0.5bn passes through the council's bank accounts every year. The council's outstanding borrowing at 31 March 2018 was £206.19m at an average rate of 4.41% and the council held £12.6m in investments at an average rate of 0.28%.

2 What is the reason for making this report?

- 2.1 The main purpose of this report is to update members on the performance of the treasury management function and to demonstrate compliance with treasury limits and Prudential Indicators during 2017/18.

3 What are the Recommendations?

- 3.1 That members note the performance of the Council's Treasury Management function during 2017/18 and its compliance with the required Prudential Indicators as reported in the Annual TM Report 2017/18 (Appendix 1).
- 3.2 That the Cabinet confirms that it has read, understood and taken account of the Wellbeing Impact Assessment (Appendix 2) as part of its consideration.

4 Report details

- 4.1 The report gives details of the Council's treasury management activities and an overview of the economic background for the year. The report also reports on the risk implications of treasury decisions and transactions and confirms compliance with treasury limits and Prudential Indicators.

5 How does the decision contribute to the Corporate Priorities?

- 5.1 Good investment and borrowing decisions allow additional resources to be directed to other Council services.

6 What will it cost and how will it affect other services?

6.1 Not applicable.

7 What are the main conclusions of the Wellbeing Impact Assessment?

7.1 Financial planning and decision making should ensure that proper regard is given to the requirements of the Wellbeing of Future Generations Act and in particular, proper consideration of the long term impact of financial decisions, including the payback period and whole life costs of capital investment decisions, properly impact assessed budget proposals and long term debt and investment (treasury management) strategies. The principles of prudence, affordability and sustainability are already enshrined within the requirements of the Prudential Code and should underpin financial planning and decision making.

7.2 In the context of treasury management, the existing requirements to assess and report on the long term financial consequences of investment and borrowing decisions using prudential indicators and long-term debt planning support the sustainability goals of the Wellbeing Act.

7.3 The Wellbeing Impact Assessment report is included in Appendix 2 which shows how an efficient Treasury Management strategy promotes the wellbeing goals of the Act.

8 What consultations have been carried out with Scrutiny and others?

8.1 The Council has consulted with its treasury advisers, Arlingclose Ltd.

8.2 The Corporate Governance Committee has been updated on Treasury Management activities throughout the year and has reviewed this report before its submission to Cabinet.

9 Chief Finance Officer Statement

9.1 Treasury Management involves looking after significant sums of cash so it is a vital part of the Council's work. It requires a sound strategy and appropriate controls to safeguard the Council's money, to ensure that debt is effectively and prudently managed and reasonable returns on investments are achieved.

9.2 The Council has ongoing commitments to the Corporate Plan approved in 2012. While the plan was expected to run for 5 years, some of the projects will finish in 2020/21 and it is expected that the Council will need to borrow to fund this investment.

9.3 The Council approved the new Corporate Plan for 2017 to 2022 in October 2017. Any new proposals have been considered in the TM strategy because it is vital that the Council has a robust and effective TM function underpinning this investment and all other activities.

10 What risks are there and is there anything we can do to reduce them?

- 10.1 Treasury Management is inherently risky but the Council is monitoring and controlling these risks as outlined in the main report. However, it is impossible to eliminate these risks completely. The council's treasury management strategy and procedures are audited annually and the latest internal audit review was positive with no significant issues raised.

11 Power to make the Decision

- 11.1 The Local Authorities (Capital Finance and Accounting) (Wales) Regulations require local authorities to have regard to the Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management which determines the requirement for the Cabinet to receive an annual report on treasury activities for the previous financial year.

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Appendix 1

DENBIGHSHIRE COUNTY COUNCIL

ANNUAL TREASURY MANAGEMENT REPORT 2017/18

Richard Weigh
Head of Finance

CONTENTS

Section	Title
1	Background
2	Economic Background
3	Borrowing Activity
4	Investment Activity
5	Compliance with Prudential Indicators
6	Money Laundering Update
	Annex A - PWLB borrowing rates and UK Money Market rates
	Annex B – Compliance with Prudential Indicators 2017/18
	Annex C – Glossary

1. Background

- 1.1 The Council's treasury management activity is underpinned by CIPFA's Code of Practice on Treasury Management ("the Code"), which requires local authorities to produce Prudential Indicators annually and a Treasury Management Strategy Statement on the likely financing and investment activity. The Code also recommends that members are informed of treasury management activities at least twice a year. Reports are presented twice a year to the Corporate Governance Committee which is the committee with responsibility for the scrutiny of the Council's treasury policy, strategy and activity, as well as the annual report made to cabinet and the report to full council for approval of the annual treasury strategy.
- 1.2 Treasury management is defined as: "The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."
- 1.3 The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. This report covers treasury activity and the associated monitoring and control of risk.

2. Economic Background

- 2.1 The outlook for the UK economy remained uncertain, however, latest estimates showed that GDP, helped by an improving global economy, grew by 1.8% in 2017, the same level as in 2016. This was a far better outcome than the majority of forecasts following the EU Referendum in June 2016, but it also reflected the international growth momentum generated by the increasingly buoyant US economy and the re-emergence of the Eurozone economies.
- 2.2 The inflationary impact of rising import prices, a consequence of the fall in sterling associated with the EU referendum result, resulted in year-on-year CPI rising to 3.1% in November before falling back to 2.7% in February 2018. Consumers felt the squeeze as real average earnings growth, i.e. after inflation, turned negative before slowly recovering. The labour market showed resilience as the unemployment rate fell back to 4.3% in January 2018. The inherent weakness in UK business investment was not helped by political uncertainty following the surprise General Election in June and by the lack of clarity on Brexit.
- 2.3 The Bank of England's Monetary Policy Committee (MPC) increased Bank Rate by 0.25% in November 2017. It was significant in that it was the first rate rise in ten years, although in essence the MPC reversed its August 2016 cut following the referendum result. The February *Inflation Report* indicated the MPC was keen to return inflation to the 2% target over a more

conventional (18-24 month) horizon with 'gradual' and 'limited' policy tightening.

3. **Borrowing Activity**

3.1 The table below shows the level of the Council's borrowing from the Public Works Loan Board (PWLB) at the start and the end of the year.

	Balance at 01/04/2017 £000	Maturing loans £000	Premature repayments £000	New Borrowing £000	Balance at 31/03/2018 8£000
Fixed rate loans – Public Works Loan Board (PWLB)	184,726	4,534	0	0	180,192
Total borrowing	184,726	4,534	0	0	180,192

3.2 The Council's strategy in 2017/18 was to internally borrow to fund its borrowing requirement.

3.3 The Council has also been accessing temporary borrowing from other local authorities at very low rates to cover short-term cash flow requirements.

3.4 As a result of this temporary borrowing, the average rate on the Council's debt decreased from 4.94% at 1 April 2017 to 4.41% at 31 March 2018.

3.5 Annex A shows how interest rates for borrowing have moved over the course of the year.

4. **Investment Activity**

4.1 The Council held cash balances of £12.6m at the end of 2017/18. These represent the Council's Balances and Reserves (after internal borrowing and working cash balances are accounted for) and also where money has been borrowed before capital expenditure is incurred.

4.2 The Welsh Government's Investment Guidance requires local authorities to focus on security (keeping the money safe) and liquidity (making sure the Council never runs out of cash) as the primary objectives of a prudent investment policy. The Council's aim was to achieve a return on investments in line with these principles. The return is important but is a secondary consideration and the priority is the security of the sums invested.

4.3 The table below shows the level of the Council's investments at the start and the end of the year.

	Balance at 01/04/2017 £000	Investments Raised £000	Investments Repaid £000	Balance at 31/03/2018 £000
Investments	1,200	223,700	212,300	12,600

- 4.4 The Council's investment income for the year was £0.017m compared to £0.032m in 2016/17 which meant that the low interest rates available in the market continued to have a significant impact on the investment return earned by the Council.
- 4.5 Security of capital remained the Council's main investment objective. This was maintained by following the Council's counterparty policy as set out in its Treasury Management Strategy Statement for 2017/18 which defined "high credit quality" organisations as those having a long-term credit rating of A- or higher if domiciled in the UK or a foreign country with a sovereign rating of AA+ or higher.

Unsecured Bank Deposits

- 4.6 Conventional bank deposits have become riskier because of a lower likelihood that the UK and other governments will support failing banks. As the Banking Reform Act 2014 was implemented in the UK from January 2015, banks were no longer able to rely on government bail-outs if they got into difficulty. They would be required instead to bail themselves out by taking a proportion of investors' deposits to build up their capital. This new risk has been termed 'bail-in' risk and is potentially a greater risk to investors than the 'bail-out' risk of the past.
- 4.7 Given the increasing risk and continued low returns from short-term unsecured bank investments, the Council has only held a minimal amount of investments for short-term cash flow purposes and has placed a far greater emphasis on investing with the UK Government's Debt Management Office and other local authorities in order to minimise these risks.

Credit Risk Management

- 4.8 Counterparty credit quality was assessed and monitored with reference to the following:
- credit ratings (minimum long-term counterparty rating of A- across rating agencies Fitch / S&P / Moody's);
 - analysis of funding structure and susceptibility to bail-in;
 - credit default swap prices;
 - financial statements;
 - information on potential government support;
 - share prices.

Liquidity Management

- 4.9 In keeping with the WG's Guidance on Investments, the Council maintained a sufficient level of liquidity through the use of overnight deposits and instant access call accounts. The Authority uses purpose-built cash flow forecasting software to determine the maximum period for which funds may prudently be

committed.

Yield

- 4.10 The Council sought to achieve the best return balanced against its objectives of security and liquidity. The UK Bank Rate was increased from 0.25% to 0.50% on 2 November 2017. Short term money market rates also remained at very low levels which had a significant impact on investment income.
- 4.11 All investments made during the year complied with the Council's agreed Treasury Management Strategy, Prudential Indicators, Treasury Management Practices and prescribed limits. Maturing investments were repaid to the Council in full and in a timely manner.

5. Compliance with Prudential Indicators

- 5.1 The Council can confirm that it has complied with its Prudential Indicators for 2017/18, which were set in February 2017 as part of the Council's Treasury Management Strategy Statement. Details can be found in Annex B.
- 5.2 In compliance with the requirements of the CIPFA Code of Practice this report provides members with a summary report of the treasury management activity during 2017/18. None of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

6. Money Laundering Update

- 6.1 The Council is alert to the possibility that it may become the subject of an attempt to involve it in a transaction involving the laundering of money. Accordingly, it maintains procedures for verifying and recording the identity of counterparties and reporting suspicions, and will ensure that relevant staff are properly trained.
- 6.2 The Head of Finance has been appointed as the Money Laundering Reporting Officer. There haven't been any cases of money laundering reported since the start of Denbighshire to date and the risk to the Council is considered to be minimal.

Interest Rates 2017/18

Public Works Loan Board (PWLB) borrowing rates and UK Money Market rates during the year were:

Example PWLB Borrowing rates (The rate at which the Council could borrow money from the Government)

Start Date	Length of Loan		
	1yr %	19½-20 yrs %	49½-50 yrs %
03-Apr-17	1.06	2.75	2.56
29-Sep-17	1.34	2.94	2.72
29-Mar-18	1.67	2.75	2.49

Example Bank Rate, Money Market rates (The rate at which the Council could invest with banks)

Date	Bank Rate %	7-day Investment Rates %	1-month Investment Rates %	6-month Investment Rates %
03-Apr-17	0.25	0.11	0.13	0.37
29-Sep-17	0.25	0.11	0.13	0.37
29-Mar-18	0.50	0.36	0.39	0.70

Compliance with Prudential Indicators 2017/18

1 Estimated and Actual Capital Expenditure

- 1.1 This indicator is set to ensure that the level of proposed investment in capital assets remains within sustainable limits and, in particular, to consider the impact on the Council Tax and in the case of the HRA, housing rent levels.

Capital Expenditure	2017/18 Estimated February 2017 £000	2017/18 Revised February 2018 £000	2017/18 Outturn March 2018 £000
Non-HRA	30,477	41,026	38,604
HRA	10,058	11,045	9,000
Total	40,535	52,071	47,604

- NB The figures for the February estimate were produced early in January but due to the nature of capital expenditure, some of the major schemes have slipped and this expenditure will now be incurred in 2018/19.

2 Estimated and Actual Ratio of Financing Costs to Net Revenue Stream

- 2.1 This is an indicator of affordability and demonstrates the revenue implications of capital investment decisions by highlighting the proportion of the revenue budget required to meet the borrowing costs associated with capital spending. The financing costs include existing and proposed capital commitments.

Ratio of Financing Costs to Net Revenue Stream	2017/18 Estimated February 2017 £000	2017/18 Revised February 2018 £000	2017/18 Outturn March 2018 £000
Financing Costs	12,864	12,962	12,965
Net Revenue Stream	189,252	189,252	189,252
Non-HRA Ratio	6.80%	6.85%	6.85%
Financing Costs	6,602	6,261	5,985
Net Revenue Stream	14,864	14,566	14,566
HRA Ratio	44.42%	42.98%	41.09%

3 Capital Financing Requirement

- 3.1 The Capital Financing Requirement (CFR) measures the Council's underlying need to borrow for a capital purpose. In order to ensure that over the medium term net borrowing will only be for a capital purpose, the Council ensures that net external borrowing does not, except in the short term, exceed the CFR in the preceding year plus the estimates of any additional CFR for the current and next two financial years. Performance during 2017/18 is demonstrated in the following table:

Capital Financing Requirement	2017/18 Estimated February 2017 £000	2017/18 Revised February 2018 £000	2017/18 Outturn March 2018 £000
Non-HRA	186,054	181,333	182,589
HRA	74,215	71,769	69,931
Total	260,269	253,102	252,520
Borrowing	205,192	205,192	206,192

NB The outturn figures are taken from the pre-audited Statement of Accounts 2017/18 so they may be subject to change.

4 **Authorised Limit and Operational Boundary for External Debt**

Summary Table:

2017/18	31/03/2018 £000
External Borrowing	206,192
Internal Borrowing	46,328
Operational Boundary	235,000
Authorised Limit	240,000

- 4.1 **Operational Boundary:** This limit is set to reflect the Council's best view of the most likely prudent (i.e. not worst case) levels of borrowing activity.
- 4.2 **Authorised Limit:** This is the maximum amount of external debt that can be outstanding at one time during the financial year. The limit, which is expressed gross of investments, is consistent with the Council's existing commitments, proposals for capital expenditure and financing and with its approved treasury policy and strategy and also provides headroom over and above for unusual cash movements.
- 4.3 The levels of debt are measured on an ongoing basis during the year for compliance with the Authorised Limit and the Operational Boundary. The Council maintained its total external borrowing and other long-term liabilities within both limits; at its peak this figure was £207.2m. In addition to external borrowing, the Council uses its own reserves and balances to fund capital expenditure and this is known as internal borrowing as shown in the table above.

5 Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure

- 5.1 These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. The exposures are calculated on a net basis i.e. fixed rate debt net of fixed rate investments. The upper limit for variable rate exposure allows for the use of variable rate debt to offset exposure to changes in short-term rates on the portfolio of investments.

	2017/18 Estimated %	2017/18 Actual Peak Exposure %
Upper Limit for Fixed Rate Exposure	100	100
Upper Limit for Variable Rate Exposure	40	0

6 Maturity Structure of Fixed Rate borrowing

- 6.1 This indicator is to limit large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates and is designed to protect against excessive exposures to interest rate changes in any one period, in particular in the course of the next ten years.
- 6.2 It is calculated as the amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate.

Maturity structure of fixed rate borrowing	Upper limit %	Lower limit %	Actual Borrowing as at 31/03/2018 £000	Percentage of total as at 31/03/2018 %
under 12 months	30	0	30,390	14.74
12 months and within 24 months	30	0	4,372	2.12
24 months and within 5 years	30	0	12,455	6.04
5 years and within 10 years	30	0	12,804	6.21
10 years and above	100	50	146,171	70.89
Total			206,192	100.00

7 Total principal sums invested for periods longer than 364 days

- 7.1 This indicator is set in order to allow the Council to manage the risk inherent in investments longer than 364 days. For 2017/18 this limit was set at £10m. The Council did not have any investments which exceeded 364 days during 2017/18 because the policy was to limit investments to a shorter period than 1 year.

8 Adoption of the CIPFA Treasury Management Code

- 8.1 The Council confirms its adoption of the CIPFA Code of Treasury Management at its Council meeting on 26 March 2002. The Council has incorporated the changes from the revised CIPFA Code of Practice into its treasury policies, procedures and practices.

GLOSSARY - Useful guide to Treasury Management Terms and Acronyms

BANK OF ENGLAND	UK's Central Bank
BANK RATE	Bank of England Interest Rate (also known as Base Rate)
CPI	Consumer Price Index – a measure of the increase in prices
RPI	Retail Price Index – a measure of the increase in prices
DMO	Debt Management Office – issuer of gilts on behalf of HM Treasury
FSA	Financial Services Authority - the UK financial watchdog
GDP	Gross Domestic Product – a measure of financial output of the UK
LIBID	London Interbank Bid Rate - International rate that banks lend to other banks
LIBOR	London Interbank Offer Rate – International rate that banks borrow from other banks (the most widely used benchmark or reference for short term interest rates)
PWLB	Public Works Loan Board – a Government department that lends money to Public Sector Organisations
MPC	Monetary Policy Committee - the committee of the Bank of England that sets the Bank Rate
LONG TERM RATES	More than 12 months duration
SHORT TERM RATES	Less than 12 months duration
BOND (GENERAL)	An investment in which an investor loans money to a public or private company that borrows the funds for a defined period of time at a fixed interest rate
GOVERNMENT BOND	A type of bond issued by a national government generally with a promise to pay periodic interest payments and to repay the face value on the maturity date
CORPORATE BOND	A type of bond issued by a corporation to raise money in order to expand its business

COVERED BOND	A corporate bond issued by a financial institution but with an extra layer of protection for investors whereby the investor has recourse to a pool of assets that secures or “covers” the bond if the financial institution becomes insolvent
GILT	A bond that is issued by the British government which is classed as a low risk investment as the capital investment is guaranteed by the government
REPO	A repurchase agreement involving the selling of a security (usually bonds or gilts) with the agreement to buy it back at a higher price at a specific future date For the party selling the security (and agreeing to repurchase it in the future) it is a REPO For the party on the other end of the transaction e.g. the local authority (buying the security and agreeing to sell in the future) it is a reverse REPO
FTSE 100	Financial Times Stock Exchange 100 - An index composed of the 100 largest companies listed on the London Stock Exchange which provides a good indication of the performance of major UK companies

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Annual Treasury Management Report 2017/18

Well-being Impact Assessment Report

This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	148
Brief description:	A review of the Treasury Management activities for 2017/18
Date Completed:	06/09/2018 10:15:07 Version: 8
Completed by:	Rhys Ifor Jones
Responsible Service:	Finance
Localities affected by the proposal:	Whole County,
Who will be affected by the proposal?	Proposals have little or no direct impact on the vast majority of residents as the strategy involves managing the Council's investments and borrowing.
Was this impact assessment completed as a group?	No

IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

Score for the sustainability of the approach

★ ★ ★ ★ (3 out of 4 stars) Actual score : 20 / 30.

Implications of the score

An efficient Treasury Management strategy ensures that the Council is maximising the use of its resources in order to guarantee the sustainability of the approach in the long term.

Summary of impact

Well-being Goals

- A prosperous Denbighshire
- A resilient Denbighshire
- A healthier Denbighshire
- A more equal Denbighshire
- A Denbighshire of cohesive communities
- A Denbighshire of vibrant culture and thriving Welsh language
- A globally responsible Denbighshire

- Positive
- Positive
- Neutral
- Neutral
- Neutral
- Neutral
- Neutral



Main conclusions

An effective Treasury Management strategy ensures that the Council's investment and borrowing decisions will contribute towards the goal of maximising income and minimising costs which supports efficient service delivery.

Evidence to support the Well-being Impact Assessment

- We have consulted published research or guides that inform us about the likely impact of the proposal
- We have involved an expert / consulted a group who represent those who may be affected by the proposal
- We have engaged with people who will be affected by the proposal

THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

A prosperous Denbighshire

Overall Impact	Positive
Justification for impact	An effective Treasury Management strategy ensures that the Council's investment and borrowing decisions will contribute towards the goal of maximising income and minimising costs which supports efficient service delivery.
Further actions required	Sound financial planning and efficient long term treasury management strategies ensure that the positive impact of this report on the County's prosperity is maximised.

Positive impacts identified:

A low carbon society	
Quality communications, infrastructure and transport	Financial planning and decision making ensures that proper consideration of the long term impact of financial decisions is given, including the payback period and whole life costs of capital investment decisions, properly impact assessed budget proposals and long term debt and investment (treasury management) strategies.
Economic development	The Treasury Management strategy and Prudential Indicators ensure that the Council's cash is safeguarded as much as possible by making investments in banks recommended in the annual strategy statement.
Quality skills for the long term	The strategy ensures that the Council's borrowing is monitored and is within set limits and is affordable. It identifies current financing requirements for the Capital Plan and estimates the proposed capital requirements for the next three financial years.
Quality jobs for the long term	Sound investment and borrowing decisions relating to the Council's cash will maximise the Council's income within the guidelines set in the Treasury Management strategy.
Childcare	The Prudential Indicators are a statutory requirement which demonstrate the affordability of our plans and contribute towards the overall financial wellbeing of Denbighshire.

Negative impacts identified:

A low carbon society	
Quality communications, infrastructure and transport	
Economic development	
Quality skills for the long term	
Quality jobs for the long term	
Childcare	

A resilient Denbighshire

Overall Impact	Positive
Justification for impact	A sound Treasury Management strategy ensures that the Council's cash is secure and new borrowing is affordable. It also enables the Council to react quickly to market volatility by continual monitoring of the financial institutions throughout the year.
Further actions required	Good investment decisions will help the Council to develop more efficient working practices which will use less resources which will help to maximise the positive impact of this report on the County's resilience.

Positive impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	Good investment decisions will help the Council to develop more efficient working practices which will use less resources.
Reduced energy/fuel consumption	The strategy is set at the start of the financial year but it is monitored carefully throughout the year to ensure that the Council reacts quickly to any market volatility and the impact on the banking institutions.
People's awareness of the environment and biodiversity	
Flood risk management	

Negative impacts identified:

Biodiversity and the natural environment	
Biodiversity in the built environment	
Reducing waste, reusing and recycling	
Reduced energy/fuel consumption	
People's awareness of the environment and biodiversity	
Flood risk management	

A healthier Denbighshire

Overall Impact	Neutral
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Justification for impact	Proposals have little or no direct impact on the vast majority of residents as the strategy involves managing the Council's investments and borrowing.
Further actions required	The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

A social and physical environment that encourage and support health and well-being	
Access to good quality, healthy food	
People's emotional and mental well-being	
Access to healthcare	
Participation in leisure opportunities	The strategy contributes to the overall financial health of Denbighshire and therefore supports the delivery of the annual budget.

Negative impacts identified:

A social and physical environment that encourage and support health and well-being	
Access to good quality, healthy food	
People's emotional and mental well-being	
Access to healthcare	
Participation in leisure opportunities	

A more equal Denbighshire

Overall Impact	Neutral
Justification for impact	A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority without impacting on residents.
Further actions required	The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation	
People who suffer discrimination or disadvantage	
Areas with poor economic, health or educational outcomes	
People in poverty	An efficient treasury management strategy contributes to the financial resilience of the Council and supports service delivery.

Negative impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation	
People who suffer discrimination or disadvantage	
Areas with poor economic, health or educational outcomes	
People in poverty	

Overall Impact	Neutral
Justification for impact	A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority without impacting on residents.
Further actions required	The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

Safe communities and individuals	
Community participation and resilience	
The attractiveness of the area	
Connected communities	

Negative impacts identified:

Safe communities and individuals	
Community participation and resilience	
The attractiveness of the area	
Connected communities	

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority. It has no direct impact on the language and the culture because any treasury management decisions are based on the treasury strategy and advice from financial consultants.
Further actions required	The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

People using Welsh	
Promoting the Welsh language	
Culture and heritage	

Negative impacts identified:

People using Welsh	
Promoting the Welsh language	
Culture and heritage	

A globally responsible Denbighshire

Overall Impact	Neutral
Justification for impact	A good treasury management strategy contributes to the overall financial resilience of the Council and supports the on-going work of the Authority. It has no direct impact on the local area.
Further actions required	The impact of this report is neutral in this particular area so this is not applicable.

Positive impacts identified:

Local, national, international supply chains	
Human rights	All investments are undertaken from national institutions in line with the strategy and financial advice. The strategy determines the institutions with the minimum credit rating which the Authority is permitted to invest with.
Broader service provision in the local area or the region	All borrowing is undertaken from central Government as detailed in the strategy and in line with other local authorities.

Negative impacts identified:

Local, national, international supply chains	
Human rights	
Broader service provision in the local area or the region	

Report To: Cabinet

Date of Meeting: 25th September 2018

Lead Member / Officer: Cllr Julian Thompson-Hill / Richard Weigh, Head of Finance

Report Author: Steve Gadd, Chief Accountant

Title: **Finance Report (August - 2018/19)**

1. What is the report about?

The report gives details of the council's revenue budget and savings as agreed for 2018/19. The report also provides a summary update of the Capital Plan as well as the Housing Revenue Account and Housing Capital Plan.

2. What is the reason for making this report?

The purpose of the report is to provide an update on the council's current financial position and confirm the agreed service budgets for 2018/19.

3. What are the Recommendations?

The following actions are recommended:

- 3.1 Cabinet Members note the budgets set for 2018/19 and progress against the agreed strategy.
- 3.2 Cabinet Members approve the writing off of an historic debt amounting to £26k.

4. Report details

The report provides a summary of the council's revenue budget for 2018/19 detailed in **Appendix 1**. The council's net revenue budget is £194.418m (£189.252m in 17/18). The position on service and corporate budgets is a forecast overspend of £0.811m (overspend of £1.210m in last report). Narrative around the current risks and assumptions underlying this assessment are outlined in Section 6.

The 2018/19 budget required savings and efficiencies of £4.6m to be identified and agreed. The table below gives a break-down of how the savings target was achieved. It can be confirmed that the £2m due to changes in the Minimum Revenue Provision and the £1m from wider corporate savings have both already been achieved. Service efficiencies of £1.2m and savings of £0.4m were agreed as part of the budget and are shown as **Appendix 2**. As the efficiencies form part of 'business as usual' for services it is assumed these will all be delivered. Any exceptions will be reported to Cabinet if required. The service savings will be monitored closely over the coming months and progress reported to Cabinet.

Savings/Efficiencies Agreed for 2018/19	£000	%age
Changes to Minimum Revenue Provision	2,000	43%
Corporate Savings identified in 2017/18	1,000	22%
Service Efficiencies (see Appendix 2)	1,200	26%
Service Savings (see Appendix 2)	411	9%
Grand Total	4,611	100%

5. **How does the decision contribute to the Corporate Priorities?**

Effective management of the council's revenue and capital budgets and delivery of the agreed budget strategy underpins activity in all areas, including corporate priorities.

6. **What will it cost and how will it affect other services?**

Significant service narratives explaining variances and risks are shown in the following paragraphs.

Customers, Communications and Marketing is currently projected to overspend by £49k (£50k reported in June). The pressure is largely due to higher than anticipated staff costs relating to maternity cover.

Highways and Environment is currently projected to overspend by £98k (£132k reported at last Cabinet) which relates to a projected shortfall in income for the Major Projects team. This has been an issue over recent years. The main reason for the income shortfall relates to the amount of work and re-imburement coming from the North and Mid Wales Trunk Road Agency (NMWTRA). The reduction from the last report relates to a planned reduction in agency staff costs. The following areas of concern should also be noted:

- **School Transport** – the service will be allocated additional funds following a full year of operating the revised transport policy. This will be sufficient to deliver the service for an average number of days per academic year. Any impact of in year price rises will not be known until the contracts for the 2018/19 academic year have been finalised in September and reported to Cabinet in October.
- **Waste** – A number of pressures are effecting the Waste service and the issues have been raised at the Budget Board. The majority of the pressure relates to new contract fees for the co-mingled waste contract. The pressure in 2018/19 will be funded from the Waste Reserve and a budget pressure of £850k has been included in the Medium Term Financial Plan for 2019/20. A detailed review of the service saving HES SP001: Deliver Trade Waste service via external contractor is currently being undertaken to assess whether the saving has been achieved in full.

Education and Children's Service is currently projected to overspend by £1.204m (£1.027m reported in June). The movement of £0.177 relates to the following areas:

- £34k increase in costs from a neighbouring Local Authority relating to 1 pupil
- Exit costs of £15k are now projected to be incurred due to the cutting of Welsh Government grant funding
- £98k relates to increases in fostering and remand costs within Children's Services
- £30k additional Home Tuition tutoring costs as a result of a tribunal decision relating to one case.

Children's Services continues to be an area of high risk due to the volatility in case numbers and inflationary pressures on placement costs. Each individual placement can be extremely expensive so any increase in numbers can have a large effect on the budget. The projected outturn includes all current out of county predicted placements to realistic timeframes. Education Out of County placements and recoupment income is less than budgeted due to the decrease in the numbers of pupils from other Local Authorities attending the Council's special school provision. Both pressures were part funded last year through the planned use of specific reserves and were considered as

part of the 18/19 budget process and a funding pressure of £750k was agreed at Council on the 30th January. The reported overspend includes this budget contribution and it is recognised that further work is required to assess the financial implications of these pressures on the Medium Term Financial Plan for 2019/20 and beyond.

Community Support Services is projected to break-even following an additional budget of £750k being allocated for 2018/19 and the planned use of reserves. Overspends within the Mental Health Service and In-House Provider Services remain areas of greatest pressure. The Medium Term Financial Plan includes an assumed budget requirement of an additional £500k per year although further work is ongoing to assess the full financial implications and the identification of actions to help mitigate the effect of these pressures.

Schools - The position with School Balances will continue to be carefully monitored and reported to Members on a monthly basis. Not only are Education Finance working closely with schools to help develop robust plans, but chief and senior officers in Education and Finance meet regularly to review those plans and take remedial action if necessary. The recent budget agreed by Council for 2018/19 included a total additional investment in schools delegated budgets of £1.8m. The level of school balances carried forward into 2018/19 is a net deficit balance of £0.343m, which was an improvement of £0.713m on the balances brought forward from 2016/17. At the end of August the projection for school balances is a net deficit balance of £0.957m, which is an increase in the projected deficit of £0.614m on the balances brought forward from 2016/17. The non-delegated budget is currently projected to underspend by £52k due to an underspend on ICT contracts.

The Housing Revenue Account (HRA). The latest revenue position assumes a decrease in balances at year end of £795k which is £165k more than the budgeted decrease of £630k. HRA balances are therefore forecast to be £1.572m at the end of the year. The Capital budget of £10.2m is allocated between planned improvements to existing housings stock (£6m) and new build developments (£4m).

Corporate – It is currently estimated that corporate contingencies amounting to £500k will be available to be released to help fund the service overspends. This will mean that we will limit the level of Balances that need to be utilised.

Treasury Management – At the end of August, the council's borrowing totalled £208.753m at an average rate of 4.49%. Investment balances were £5.6m at an average rate of 0.54%.

A summary of the council's **Capital Plan** is enclosed as **Appendix 3**. The approved capital plan is £55.8m with expenditure to date of £13.5m. **Appendix 4** provides an update on the major projects included in the overall Capital Plan.

Other Issues - The Authority was owed for an over claimed grant and for works to a property dating back to 2011. Although payments have been made against the debt there is still a balancing owed of £26,481.43. Every effort has been made to recover the debt but it is now recognised that no further monies will be received and the debt is now recommended to be written off. Due to the age of the debt, Finance have for a number of years provided for this debt in full. This means that writing the debt off will

have no impact on the revenue budget as the debt can be written off against the provision. This debt exceeds the £20k delegated limit for the Section 151 Officer to approve and therefore needs Cabinet approval.

7. What are the main conclusions of the Well-being Impact Assessment?

Well-being Impact Assessments for the savings included in Appendix 2 and the Council Tax rise was presented to Council on 30 January. An assessment for the MRP policy change was included in the report to Council in September 2017.

8. What consultations have been carried out with Scrutiny and others?

In addition to regular reports to the Corporate Governance Committee, the budget process has been considered by CET, SLT, Cabinet Briefing and Council Briefing meetings. There were regular budget workshops held with elected members to examine service budgets and consider the budget proposals. All members of staff were kept informed about the budget setting process and affected staff have been or will be fully consulted, in accordance with the council's HR policies and procedures. Trade Unions have been consulted through Local Joint Consultative Committee.

9. Chief Finance Officer Statement

It is important that services continue to manage budgets prudently and that any in-year surpluses are considered in the context of the medium-term financial position, particularly given the scale of budget reductions required over the coming two or three years.

Specific pressures remain evident in social care budgets (both Adults' and Children's) despite additional investment of £1.5m in total for 2018/19. The position for both services will be monitored carefully and further considered as part of the budget process for 2019/20.

School balances will continue to be kept under close review. Not only are Education Finance working closely with schools to help develop robust plans, but chief and senior officers in Education and Finance meet regularly to review those plans and take remedial action if necessary.

10. What risks are there and is there anything we can do to reduce them?

This remains a challenging financial period and failure to deliver the agreed budget strategy will put further pressure on services in the current and future financial years. Effective budget monitoring and control will help ensure that the financial strategy is achieved.

11. Power to make the Decision

Local authorities are required under Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of their financial affairs.

Appendix 1

DENBIGHSHIRE COUNTY COUNCIL REVENUE BUDGET 2018/19

Aug-18	Net Budget	Budget 2018/19			Projected Outturn							Variance
	2017/18 (Restated)	Expenditure	Income	Net	Expenditure	Income	Net	Expenditure	Income	Net	Net	Previous Report
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	%	£'000
Customers, Communications and Marketing	2,971	3,450	-658	2,792	3,234	-393	2,841	-216	265	49	1.76%	50
Education and Children's Service	12,955	27,986	-13,781	14,205	26,853	-11,444	15,409	-1,133	2,337	1,204	8.48%	1,027
Business Improvement and Modernisation	4,613	5,337	-806	4,531	5,408	-877	4,531	71	-71	0	0.00%	0
Legal, HR and Democratic Services	2,623	3,964	-1,328	2,636	4,099	-1,503	2,596	135	-175	-40	-1.52%	0
Facilities, Assets and Housing	6,931	23,813	-15,828	7,985	22,493	-14,508	7,985	-1,320	1,320	0	0.00%	0
Finance	2,914	5,353	-2,187	3,166	5,728	-2,562	3,166	375	-375	0	0.00%	0
Highways and Environmental Services	17,514	31,224	-12,739	18,485	31,835	-13,252	18,583	611	-513	98	0.53%	132
Planning and Public Protection	3,001	5,945	-2,976	2,969	5,858	-2,889	2,969	-87	87	0	0.00%	0
Community Support Services	32,356	52,096	-17,066	35,030	46,401	-11,371	35,030	-5,695	5,695	0	0.00%	0
Total Services	85,878	159,168	-67,369	91,799	151,909	-58,799	93,110	-7,259	8,570	1,311	1.43%	1,210
Corporate	18,942	54,947	-36,424	18,523	54,947	-36,424	18,523	-500	0	-500	-2.70%	0
Precepts & Levies	4,525	4,569	0	4,569	4,569	0	4,569	0	0	0	0.00%	0
Capital Financing	12,965	11,361	0	11,361	11,361	0	11,361	0	0	0	0.00%	0
Total Corporate	36,432	70,877	-36,424	34,453	70,877	-36,424	34,453	-500	0	-500	-1.45%	0
Council Services & Corporate Budget	122,310	230,045	-103,793	126,252	222,786	-95,223	127,563	-7,759	8,570	811	0.64%	1,210
Schools & Non-delegated School Budgets	66,942	76,279	-8,113	68,166	77,033	-8,305	68,728	754	-192	562	0.82%	0
Total Council Budget	189,252	306,324	-111,906	194,418	299,819	-103,528	196,291	-7,005	8,378	1,373	0.71%	1,210
Housing Revenue Account	315	16,309	-15,679	630	16,474	-15,679	795	165	0	165		0

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Summary of Agreed Savings - 2018/19

Ref	RAYG	Saving Title	2018/19 £000
BIM SP001	Yellow	ICT - revisions to staffing structure	-52
HES SP001	Amber	Deliver Trade Waste service via external contractor	-252
HES SP001	Yellow	Deletion of Archaeologist post following retirement	-42
LHD SP001	Yellow	End additional funding for external events from Civic budget (£4.5k)	-5
PPP SP001	Green	Reduce Small Business Development Grant Budget	-60
			-411

Summary of Agreed Efficiencies - 2018/19

Ref	RAYG	Efficiency Title	2018/19 £000
CCM E001	Green	Restructure of Library Management Team (Year 2 of restructure)	-15
CCM E002	Green	Savings on Tourist Information Centres	-7
CCM E003	Green	Net saving on new Library Management System	-5
CCM E004	Green	Streamlining of cleaning and caretaking costs across all Libraries/OSS	-11
CCM E005	Green	Reduce County Voice Marketing budget	-2
CCM E006	Green	Reduce spend on 'What's On' publication	-5
CCM E007	Green	Reduction of relief staff in libraries/OSS	-10
CCM E008	Green	Reduction of book fund	-10
BIM E001	Green	Management Restructure	-46
BIM E002	Green	Digital Records Bureau budget	-3
BIM E003	Green	Reduction in project management of non funded projects	-13
BIM E004	Green	Corporate Plan budget reduction	-1
BIM E005	Green	Reduction in Strategic Planning budget	-4
BIM E006	Green	Staffing reduction in Audit (retirement)	-6
BIM E007	Green	Domestic Abuse - saving due to service becoming Regional	-1
HES E001	Yellow	Review current arrangements for disposing of green waste	-60
HES E002	Green	Review streetworks charges	-14
HES E003	Green	Removal of current subsidy to Bodelywyddan Castle Trust	-100
HES E004	Green	Removal of electronic bus service information at bus stops	-10
FAH E001	Green	Not replacing 2 admin / support posts in Property	-75
FAH E002	Green	Housing to pick up 50% of a Community Youth Worker post	-17
FAH E003	Green	Community Resource Centre (co-location of Housing and Youth)	-10
FAH E004	Green	Not replacing one post in Property	-29
FAH E005	Green	Facilities Management contracts	-10

Ref	RAYG	Efficiency Title	2018/19 £000
FAH E006	Green	Public Toilets	-20
FAH E007	Green	Design & Construction - new model	-30
FAH E008	Green	Water Hygiene testing	-15
LHD E001	Green	£500 Net Saving - Postage Cost Reduction, HR	-1
LHD E002	Green	Reduce Reference Books Cost, Legal	-3
LHD E003	Green	Restructuring within Legal service	-17
LHD E004	Green	Increase income - review external fees, Legal	-2
LHD E005	Green	Increase income - market services to T&CC & Others, HR	-1
LHD E006	Green	End subscriptions to election and electoral law publications (£1.9k)	-2
LHD E007	Green	Vacancy Management Policy	-7
LHD E008	Green	Review of Admin Support in Legal Services	-30
PPP E001	Green	Improved income collection rate - Environmental Enforcement Fines	-20
PPP E002	Green	Business & Performance Admin. Support	-22
PPP E003	Green	Computer License renewal	-11
PPP E004	Green	Economic & Business Development (EBD) contribution towards Love Rhyl element of Rhyl Perceptions campaign, which comes to and end March 2018	-10
FIN E001	Green	5% proposed efficiency on an external contract	-13
FIN E002	Green	Vacancy Management	-20
FIN E003	Green	Non-replacement of Grade 9 Vacancy	-47
CSS E001	Green	Delete a Service Manager Post	
CSS E002	Yellow	Restructure Provider Services Management Team	-80
CSS E003	Green	Learning Disability Respite Review	-10
CSS E004	Yellow	Court of Protection Team	-28
CSS E005	Green	Deletion of a managerial post resulting from a vacancy	-61
CSS E006	Green	Social Care Workforce Development Plan Training Grant Budget Supplement	-11
CSS E007	Green	Reduced spend on ancillary items eg mobile phones, printing etc	-10
CSS E008	Yellow	Review Care Packages	-74
CSS E009	Green	Deferred Charges on care home client properties	-50
ECS E001	Green	Reduction in historic pension recharges	-36
ECS E002	Green	Release of Pooled Scheme Contingency held in non-delegated budgets due to withdrawal of Pooled Scheme (School Budget Forum decision)	-79
ECS E003	Green	Reduction in DBS checks (budget held in non-delegated budgets)	-8
ECS E004	Green	Reduction based on underspends in 2016/2017 on budgets such as subscriptions, licences and professional fees.	-18
			-1,200

Denbighshire County Council - Capital Plan 2018/19 - 2021/22

APPENDIX 3

Position to end August 2018

Capital Expenditure

Total Estimated Payments - Other

Total Estimated Payments - Major Projects:

Housing Improvement Grants

Rhyl, New 3-16 Catholic School

Ysgol Llanfair, New School

Ysgol Carreg Emlyn, New School

Highways Maintenance

East Rhyl Coastal Defence Scheme

Rhyl Waterfront and Waterpark

Contingency

Total

Capital Financing

External Funding

Receipts and Reserves

Prudential Borrowing

Unallocated Funding

Total Capital Financing

2018/19 ORIGINAL ESTIMATE £000s	2018/19 LATEST ESTIMATE £000s	2019/20 LATEST ESTIMATE £000s	2020/21 LATEST ESTIMATE £000s	2021/22 LATEST ESTIMATE £000s
9,355	15,425	329	200	0
1,416	1,556			
	13,636	8,313	373	
	4,637	157		
	3,663	697		
3,070	4,722			
2,634	1,093	2,017		
10,721	10,577	530		
500	493	500	500	500
27,696	55,802	12,543	1,073	500
12,184	16,811	7,773	4,834	4,834
2,908	9,993	153		
12,604	28,998	8,951	573	0
0	0	(4,334)	(4,334)	(4,334)
27,696	55,802	12,543	1,073	500

Note: 2018-19 Original Estimate is the position as approved by Council on 20th February 2018

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Appendix 4 - Major Capital Projects Update - September 2018

Rhyl Harbour Development	
Total Budget	£10.639m
Expenditure to date	£10.579m
Estimated remaining spend in 2018/19	£ 0.060m
Future Years estimated spend	£ 0.000m
Funding	WG £2.545m; WEFO £5.899m; Sustrans £0.700m: RWE £155k; WREN/NRW £83k and DCC £1.257m
<p>Narrative:</p> <p>Now that the bridge has been operational for a few years, the maintenance schedule needs to be revised to ensure that the bridge is properly maintained for the longer term. The Corporate Executive Team (CET) have previously considered a report regarding the maintenance regime and agreed in-principle to amend the maintenance schedule, pending a decision about the long term funding.</p> <p>When the revised bridge maintenance contract has been agreed with Dawnus Construction Ltd, the final account for the bridge will be negotiated and this will complete the project. In the meanwhile the necessary maintenance is being undertaken to keep the bridge in working order. Additional costs were incurred during 2017/18 for both reactive maintenance and breakdowns. The new maintenance regime needs to be agreed and implemented so changes can be made and future breakdowns avoided.</p> <p>Options were presented in an updated report to CET on 30th April 2018 and further information was supplied to CET for their meeting on 11th June 2018 where approval was given to proceed with the new bridge maintenance arrangements.</p> <p>The preferred subcontractors have been agreed to and Dawnus Construction are arranging the sub contracts. The Council and Dawnus are preparing the amendment to the Contract to ensure response time, reporting and quality of service is improved.</p> <p>The first full annual maintenance will take place in October and this will also address outstanding issues which require repair/replacement.</p>	
Forecast In Year Expenditure 18/19	£0.060m

21st Century Schools Programme - Rhyl New School	
Total Budget	£23.824m
Expenditure to date	£23.761m
Estimated remaining spend in 18/19	£ 0.063m
Future Years estimated spend	£ 0.000m
Funding	DCC £10.135m; WG £13.689m
Narrative:	
<p>The project has provided a new school building for Rhyl High School to accommodate 1,200 pupils in mainstream education and approximately 45 pupils from Ysgol Tir Morfa, the community special school in Rhyl. The works have also included some extensive refurbishment to the exterior of the Leisure Centre.</p> <p>There are now just a small number of snags and defects to be completed, and a schedule for the final completion is expected from the contractor. An amount of retention has been retained in respect of these items.</p> <p>The BREEAM excellent certification has now been achieved.</p>	
Forecast In Year Expenditure 18/19	£0.063m

21st Century Schools Programme – Glasdir	
Total Budget	£11.246m
Expenditure to date	£10.997m
Estimated remaining spend in 18/19	£0.249m
Future Years estimated spend	£0.000m
Funding	DCC £2.598m; WG £8.648m
Narrative:	
<p>This project has delivered a new shared school building site for Rhos Street School and Ysgol Penbarras at Glasdir, Ruthin.</p> <p>Since April 2018, the schools have been using their new site. The new facilities have been received very positively by pupils, parents, teachers and governors of both schools.</p> <p>Several snagging items were addressed over the summer holidays and the Council's Design, Construction and Maintenance team are supervising the de-snagging of defects as part of the overall project programme. This work is ongoing and will continue until March 2019.</p>	
Forecast In Year Expenditure 18/19	£0.818m

21st Century Schools Programme – Ysgol Carreg Emlyn

Total Budget	£5.059m
Expenditure to date	£1.524m
Estimated remaining spend in 18/19	£2.838m
Future Years estimated spend	£0.697m
Funding	WG £0.221m; DCC £4.838m
<p>Narrative:</p> <p>This scheme is within the Band A proposals for 21st Century Schools Programme. The project will provide a new school building on a new site in Clocaenog and allow the two existing sites to be declared surplus.</p> <p>Good progress has been made over the summer with the installation of the Structural Insulated Panels (SIP's) now complete. A panel signing ceremony was held on the 7th September to mark the completion of the SIP installation, with pupils, staff, Community Councillors and County Councillors in attendance.</p> <p>In the coming weeks the windows will be installed to make the building watertight in preparation for the mechanical and electrical and internal works as well as continuation of the external works.</p> <p>The temporary relocation works for the overhead power line by Scottish Power and the relocation of the BT line have now been completed. The relocation of the Welsh Water main will be planned into the construction programme once dates of the works have been confirmed with the contractor.</p> <p>It is envisaged the new school will open in the Spring of 2019.</p>	
Forecast In Year Expenditure 18/19	£3.663m

21st Century Schools Programme – Ysgol Llanfair	
Total Budget	£5.369m
Expenditure to date	£1.817m
Estimated remaining spend in 18/19	£3.349m
Future Years estimated spend	£0.203m
Funding	WG £0.180m; DCC £5.189m
Narrative:	
<p>This scheme is within the Band A proposals for 21st Century Schools Programme.</p> <p>The project will provide a new school building on a new site in Llanfair DC.</p> <p>The Slab and block works have now been completed. The installation of the Structural Insulated Panels (SIP's) commenced on site at the start of September. A panel signing ceremony was held on the 13th September to mark the main building construction, with pupils, staff, the Diocese of St Asaph, local members and Welsh Government representatives in attendance.</p> <p>In the coming weeks work will continue to progress on the installation of the SIP's for the school building. Following the completion of the SIP's, the roof and windows will be installed to make the building watertight in preparation for the mechanical and electrical and internal works.</p> <p>It is envisaged that the new bilingual church school will open in the summer term of 2019.</p>	
Forecast In Year Expenditure 18/19	£4.637m

21st Century Schools Programme – Ysgol Glan Clwyd

Total Budget	£16.763m
Expenditure to date	£16.412m
Estimated remaining spend in 18/19	£ 0.351m
Future Years estimated spend	£ 0.000m
Funding	DCC £5.302m; WG £11.461m

Narrative:

This scheme is within the Band A proposals for 21st Century Schools Programme. The project has delivered an extended and refurbished Ysgol Glan Clwyd to accommodate a long term capacity of up to 1,250 pupils via a new three storey extension, partial demolition of existing buildings and refurbishment of the retained buildings. The project has also seen extensive landscaping, with creation of new outdoor hard and soft landscaped areas including a new sports field, extended and rationalised car park and coach parking area.

Phase 1, a new three storey extension was completed and handed over for occupation by the school from January 2017.

The first two sections of the old buildings following remodelling and refurbishment, comprising Phases 2a and 2b were handed over on 9th May 2017 and 28th June 2017 respectively. Part of Phase 2b included the new Visitors Car Park and the new Main Reception.

The final main section of remodelling and refurbishment of the old buildings, Phase 2c, was completed on 4th September 2017 and handed back to the school ready for the start of the new academic year.

Remaining internal works to create the new Leisure Centre facility and the final three rooms for the school were completed and handed over on 13th October 2017; at the same time the new Car Park and Coach Area and remaining external landscaping were also completed and handed over.

The final activities saw the old Tennis Courts resurfaced and fenced to create a Multi-Use Games Area and clearance of the Contractors site offices and compound; this work was completed and a final handover occurred on Friday 10th November 2017.

The School and Leisure Centre have returned to business as usual.

As part of dealing with any Defects in association with the 12 month Defects Periods for each of the Phase/Sub Phase sectional completions, Phase 2 internal defects were rectified over the summer school holidays along with the bulk of the Phase 2 external defects. The final issue of the BREEAM Certification associated with the project is still awaited and is anticipated within the next couple of months following an update from the Contractor.

Forecast In Year Expenditure 18/19	£0.353m
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21st Century Schools Programme – Rhyl 3-16 Faith School	
Total Budget	£23.813m
Expenditure to date	£3.602m
Estimated remaining spend in 18/19	£11.525m
Future Years estimated spend	£8.686m
Funding	WG £5.541m; DCC £18.272m
<p>Narrative: This scheme is within the Band A proposals for 21st Century Schools Programme.</p> <p>Work on site is progressing well with the structural steel frame starting to go up. The metal deck is 30% complete and concrete is 25% complete on the floor.</p> <p>A beam signing ceremony is due to take place at the end of September.</p> <p>The temporary governing body is working hard on developing the logo and consultation will soon start on the school uniform.</p>	
Forecast In Year Expenditure 18/19	£13.637m

Rhyl Waterfront and Waterpark	
Total Budget	£23.367m
Expenditure to date	£16.169m
Estimated remaining spend in 18/19	£ 6.668m
Future Years estimated spend	£ 0.530m
Funding	WG £5.354m; DCC£16.013m; Rhyl Town Council £2.000m
<p>Narrative: Work on site with SC2 is well advanced and progressing well, and the marketing campaign is beginning to ramp up. The Waterpark is still on schedule to complete in January 2019 and open prior to Easter 2019.</p> <p>Works on the Travelodge and Marstons are progressing well. Marstons is on schedule to complete at the end of September 2018, and the hotel in January 2019.</p> <p>Unit C on the Children's Village has now been demolished with the help of Welsh Government pipeline funding. The site will be refurbished along with the public realm work on other areas of the Children's Village. Proposals are currently being drawn up alongside the refurbishment of Unit A.</p> <p>The refurbishment of the Children's Village Car Park is due to start on site this month and reopen to the public in February 2019. A full environmental clean is required prior to the commencement of construction work, and this started in early September.</p>	
Forecast In Year Expenditure 18/19	£10.577m

Cabinet Forward Work Plan

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
30 Oct	1	Collaborative Procurement Unit	To consider an extension of the collaborative arrangements with Flintshire County Council	Yes	Councillor Julian Thompson-Hill / Lisa Jones / Helen Makin
	2	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
	3	North Wales Growth Bid Priority Projects	To support the regional priorities for the Growth Bid discussions with Government	Yes	Councillor Hugh Evans / Graham Boase
	4	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
20 Nov	1	Corporate Plan 2017-2022 (Q2)	To review progress against the performance management framework	Tbc	Councillor Julian Thompson-Hill / Nicola Kneale
	2	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
	3	Rhyl Regeneration Programme re-launch	To support the future arrangements regarding the regeneration of Rhyl	Yes	Councillor Hugh Evans / Graham Boase
	4	Items from Scrutiny Committees	To consider any issues	Tbc	Scrutiny Coordinator

Cabinet Forward Work Plan

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
			raised by Scrutiny for Cabinet's attention		
18 Dec	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
	2	Denbighshire County Council Waste & Recycling Model	To seek approval to develop/implement a new model for waste and recycling service, subject to confirmation of funding from Welsh Government	Yes	Councillor Brian Jones / Tony Ward / Tara Dumas
	3	North Wales Construction Framework 2	To appoint contractors for the project	Yes	Tania Silva
	4	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
22 Jan 2019	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
26 Feb 2019	1	Finance Report	To update Cabinet on the current financial position of	Tbc	Councillor Julian Thompson-Hill / Richard Weigh

Cabinet Forward Work Plan

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
			the Council		
	2	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
26 Mar 2019	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
	2	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
30 Apr 2019	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Richard Weigh
	2	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
28 May 2019	1	North Wales Growth Bid Governance Agreement 2	To approve the governance arrangements in relation to the implementation of the growth deal.	Yes	Councillor Hugh Evans / Graham Boase / Gary Williams
	2	Finance Report	To update Cabinet on the	Tbc	Councillor Julian Thompson-

Cabinet Forward Work Plan

Meeting	Item (description / title)	Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
		current financial position of the Council		Hill / Richard Weigh
	3	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc Scrutiny Coordinator

Note for officers – Cabinet Report Deadlines

<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>
<i>September</i>	<i>11 September</i>	<i>October</i>	<i>16 October</i>	<i>November</i>	<i>6 November</i>

Updated 13/09/18 - KEJ

Cabinet Forward Work Programme.doc

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